THE POLITICAL ROLE OF OFFICERS

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General Studies

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In modern democracies, the supremacy of civilian authority has usually translated into military withdrawal from the political field. Meanwhile, in today's world, public action's efficiency demands interconnected policies and comprehensive strategies. While the Armed Forces rely on individual discretionary judgements for the service of society, ethics has to inform soldiers on clear and sustainable boundaries for the military's competence, and first vis a vis the political. This thesis will assess the relationship between soldiers and politics, and bring some guidelines to how uniformed service members shall consider their participation in the political decision-making process.

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ABSTRACT

THE POLITICAL ROLE OF OFFICERS, by Major Bertrand Epstein, 108 pages.

In modern democracies, the supremacy of civilian authority has usually translated into military withdrawal from the political field. Meanwhile, in today's world, public action's efficiency demands interconnected policies and comprehensive strategies. If the Armed Forces rely on individual discretionary judgements for the service of society, ethics has to inform soldiers on clear and sustainable boundaries for the military's competence, primarily vis a vis the political. This thesis will assess the relationship between soldiers and politics, and bring some guidelines to how uniformed service members shall consider their participation in the political decision making process.

The essence of politics can be defined through three main dialectics. The first dialectic is between friend and enemies and determines the actual existence of a collectivity as a political entity. The second dialectic between command and obedience enables a collective order to emerge. Finally, the third dialectic, between public and private, sets the principles of public life within a particular society, and defines interactions between individual opinions and public decisions. While fundamental to politics, these three dialectics are also at the heart of a soldier's vocation.

Indeed, the soldier has a political role. He actualizes the possibility of confrontation and he embodies the ordered collective will of the country to survive as a political entity, often at the expense of individual interests. Rather than clear limits, this role is delineated by moving boundaries and the limitation to the soldier's political commitment ultimately rests in the soldier's judgment.

Because the three dialectics define the soldier's role on the political stage, they also bound the purpose of the military and provide some guidance for military personnel, to assist in judging how to participate in the nation's public life.

If it lead not to despotism by sudden violence, it prepares men for it more gently by their habits. All those who seek to destroy the liberties of a democratic nation ought to know that war is the surest and the shortest means to accomplish it. This is the first axiom of the science.

— Alexis de Tocqueville, *Democracy in America*

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INTRODUCTION

> Not to run away from a belligerent history, not to betray the ideal; to think and to act with the firm intention that the absence of war will be prolonged until the day when peace has become possible- supposing it ever will.
> — Raymond Aron, Peace and War

"True enough, the conduct of the war is the business of the statesman, its fighting, that of the soldier. But where does one cease and the other begin? To what extent do strategy and politics react to one another"?[1] When Charles de Gaulle first published *The Edge of the Sword* in 1932, his writing already showed his interest in assessing the ambiguous relationship between the soldier and politics at the strategic level. Throughout his life he experienced the nuances and subtleties between military and political leaders' characters and roles. Today, threats have become polymorphic and borders have become more virtual. National security and defense strategies have adapted consequently and the military now addresses challenges beyond its traditional role. The world has become more integrated yet not less dangerous.[2] Consequently, for the last three decades modern democracies have intensively used the military tool on a wider scope of missions, including within the national territory. These changes in both the mission and area of operations of the armed forces have challenged the bargain in civil-military relations

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[1] Charles de Gaulle, *The Edge of the Sword,* trans. Gerard Hopkins (Vancouver, BC: Criterion Books, 1960), 119.

[2] Among other analysis, the French *Livre blanc* of 1994 and 2008 clearly exposed that vision.

usually understood as the separation between obedient military institutions and elected civilian authorities.

In both France and the United States, the apolitical nature of the military is considered the best guarantee for the protection of modern democracies. As General Dempsey states: "one of the things that marks us as a profession in a democracy is it's most important we remain apolitical."[3] As ADRP1 emphasizes: "the fact the members of our profession remain apolitical" has become indeed the "bedrock of our profession."[4] Samuel Huntington's theory of objective control, which has supported the autonomy of the military profession in exchange for political neutrality, generally prevails when it comes to debating civil-military relations.[5]

However, the military profession still needs to be fully identified, described, distinguished and bounded. As the variety of missions given to the military expands, the numbers of competitors increase and the specific competencies of the military needs to be regularly reassessed. The military's apolitical nature also needs to be reviewed and clearly explained. The contribution of the military to national strategy, and more generally to policy-making, needs to be clearly bounded. Indeed, to what extent can the military participate in national decisions which have political implications?

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[3] James Joyner, "Dempsey: Military must Remain Apolitical," Outside the Beltway, August 22, 2012, accessed March 23, 2015, http://www.outsidethebeltway.com/dempsey-military-must-remain-apolitical/.

[4] Department of the Army, Army Doctrine Reference Publication (ADRP) 1, *The Army Profession* (Washington, DC: Department of the Army, June 2013), 2-1.

[5] Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1957), 83-85.

The soldier has a political role. He actualizes the possibility of confrontation and he embodies the ordered collective will of the country to survive as a political entity, often at the expense of individual interests. Rather than clear limits, this role is delineated by moving boundaries, and the limitation to the soldier's political commitment ultimately rests in the soldier's judgment.

Through a revue of literature, the second chapter of this thesis will describe some key elements of the nature of politics and armed forces, and on the issue of the relationship between the politician and the soldier. The third chapter will explain the methodology chosen to answer the research question. The fourth chapter will analyze the relationship between soldiers and politics following the methodology in the context of today's world. The fifth chapter will finally combine the conceptual approach of chapter 2 with the observation of our current habits made in chapter 4 in order to reach a general conclusion and describe some of the main consequences for our armed forces.

<u>Limitations and Definitions</u>

In many countries, the separation of powers is not essential to the constitution nor is it to political institutions. The relationships between the different actors in the service of the state are then quite different from one regime to the other. This monograph will therefore limit the analysis to modern democracies. By modern democracies, we consider those democracies that appeared in the wake of the enlightment and are characterized as much as possible by equal conditions among people usually translated into the rule of law. In democracies, still, the separation of power is expressed differently from one country to another. Consequently, although this thesis will examine ethical questions that are common to officers in many countries, an approach of civil military relations still has

to be bounded in the reality peculiar to each nation. This thesis will study particularly the case of the United States and France for the last half of a century.

The word politics comes from the Greek title of Aristotle's book *Ta politica* and refers to the "affairs of the state." Throughout this paper politics will then be defined as "the activities associated with the governance of a country or other area, especially the debate or conflict among individuals or parties having or hoping to achieve power."[6] Chapter 2 of this monograph will review and explain the nature of politics. Although there are several levels of politics, this thesis will focus on politics at the state level and will analyze the decision-making process at the governmental level and its implication for the public life of a determined nation and for the use of the armed forces in particular.

Although the military is composed of civilian and uniformed servicemen, this monograph will particularly focus on the soldier ,for he is generally, both in numbers and length of service, the prominent figure in the military.

The word infosphere is a neologism composed of information and sphere. Throughout this thesis, it will refer to electronic communication and networking as a whole.[7]

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[6] Oxford dictionary, s.v. "Politics," accessed April 20, 2015, www.oxforddictionaries.com.

[7] Collins dictionary, s,v, "Infosphere," accessed April 20, 2015, www.collinsdictionary.com.

CHAPTER 2

REVIEW OF LITERATURE

The people, mind you, has faith in force as a religion. Maybe he is wrong; but I ask you precisely how is it that for so long and so obstinately he is mistaken.
— Pierre-Joseph Proudhon, *La guerre et la paix*

The aim of this chapter is to describe the main concepts and actors analyzed along this thesis. After describing the relationships between politics and war, this chapter will explain the different mindset between politicians and warriors, and finally the importance of the cooperation between both.

How Violence and Confrontation are
Consubstantial to Politics

The term politics covers an extraordinarily vast spectrum of realities. Therefore, while the term covers the daily activity of people involved in the government of the collectivity, we also must try to understand politics as a concept. As an activity, politics is circumstantial and variable in shape and form. It depends on various factors such as culture, history, society etc . . . It is dependent on the freedoms afforded to man by society. Politics as a concept does not depend on man's will. It has its proper nature, outside of the realm of man's extravagances and follies.[8] As such, politics can be circumscribed and described easily. Its very nature can be grasped. Its relationship with other concepts can be established and analyzed. As Carl Schmitt opines in the opening

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[8] Julien Freund, *l'essence du politique* (La Rochelle, France: Dalloz, 2004), 58.

statement of his book, "the concept of state presupposes the concept of the political."[9] Hence, understanding politics as a concept informs us on what politics as an activity should look like.

Ancient authors have written political theories about the life of the Greek City and their constitutions, governments and institutions. However, it is hard to find any definition of politics as a concept in classical literature. We can identify the criterion of morality, esthetics or economy as concepts, but what is the fundamental distinction of politics? According to Carl Schmitt the distinction between friend and enemy is what is both specific and fundamental to politics. It is politics' fundamental category, just as the distinction between good and bad is morality's fundamental categorization. After Schmitt, the French sociologist, Julien Freund, defines the specific essence of politics.[10] According to Freund, three pre-conditions are essential to the existence of politics: the relationship between command and obedience; the relationship between public and private; the relationship between friend and enemy.[11]

Both authors clearly establish a link between politics and war. Conceptually, enmity and confrontation are at the heart of politics. The relationship between friend and enemy find objective meaning through their permanent relationship with the concrete possibility of death. War, notes Schmitt, is merely the ultimate actualization of hostility.[12]

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[9] Carl Schmitt, *The Concept of the Political* (Chicago, IL: The University of Chicago Press, 1927), 57.

[10] Freund, *l'essence du politique*.

[11] Ibid., 94.

[12] Schmitt, *The Concept of the Political*, 71.

Everything that is political is simply polemical (derived from *polemikos*, hostile or warlike). The possibility of war as the ultimate way to settle a conflict determines the political existence of a collective entity.[13] Consequently, "every grouping made in the perspective of a showdown is political" and "every political entity is necessarily either the center of the decision for the discrimination between friends and enemies . . . or it is simply nonexistent."[14] Hostility is, in other words, at the heart of the concept of politics. Conversely, politics no longer exists outside of the possibility of war. Thus, a state which no longer possesses the capacity or the will to decide autonomously who the enemy is no longer exists politically.[15]

This reality also informs on other levels of politics. In his study on statesmanship, Max Weber focused on politics both as an activity and at the state level. He describes the state as the "human community that successfully claims the monopoly of the legitimate use of physical force."[16] The state is an institutional domination group which monopolizes, within a determined territory, legitimate physical violence as an instrument of domination.[17] Weber introduces the ideas of influence and domination that naturally define politics as an activity, hence the profession of politician.

Concluding his work, Freund finally states that "the specific goal of politics consist in the will of a political entity to preserve its integrity and independence by

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[13] Freund, *l'essence du politique*, 446.

[14] Schmitt, *The Concept of the Political*, 78-79.

[15] Ibid., 91.

[16] Max Weber, *Le savant et le politique* (Paris: 10/18 editions, 1963), 125.

[17] Ibid., 133.

promoting internal harmony and external security."[18] Security and prosperity are politics'

two main concerns.[19]

The Army and the Soldier: Politics at the Heart of the Army's Purpose and the Soldier's Action

Hobbes theorized that a social contract between people creates a sovereign

political entity for security purposes.[20] The birth, growth and death of the political entity

are eventually a matter of conflicts and violence. At least from a historical point of view,

it would appear that the concept of nation is essentially a polemic one because nations

grew against each other. Therefore, it may then be both an illusion and unproductive to

study the history of wars from a purely technical perspective. By its nature indeed, war is

linked to politics. In his book *On War* Clausewitz clearly wrote that war "is never an

isolated act."[21] It is always decided, determined, shaped and bounded by political context

and objectives. It "does not consist of a single short blow," but has a duration and

variations that are the consequences of the permanent and dynamic confrontation

between opposed wills.[22] Consequently, there are no final and absolute results of war.[23]

The result of an action in war is even more precarious considering the importance of

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[18] Freund, *l'essence du politique*, 650.

[19] As Hobbes had already shown in chapters 17 to 19 of *Leviathan*, published in the middle of the 17th century.

[20] Thomas Hobbes, *Leviathan* (Pacific Publishers, 2011), chapter XVIII.

[21] Carl von Clausewitz, *On War,* ed. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 78.

[22] Ibid., 79.

[23] Ibid., 80.

chance and uncontrolled frictions. Because chance is never absent from the fight,

Clausewitz opines that war is essentially a gamble.[24] War, then, must be bounded by the

political object, which gives rational purpose to war. Therefore, "war" is an act of policy.

Were it a complete, untrammeled, absolute manifestation of violence (as the pure concept

would require), war would of its own independent will usurp the place of policy the

moment the policy had brought it into being; it would then drive policy out of office and

rule by laws of its nature, very much like a mine that can explode only in the manner or

direction predetermined by setting."[25] Hence, Clausewitz concludes that "war is merely

the continuation of politics."[26] The fact that Clausewitz further studies the rules peculiar

to war outside the political perspective does not change Clausewitz's initial premise.

Clausewitz's works on a "Theory of War,"[27] "On Strategy"[28] or on the specific rules of

"Defense"[29] and of "The Attack"[30] do not change the fact that first of all and by nature,

war is the continuation of politics.[31] Consequently the object and means of war are to be

ordered in accordance with the political purpose. Like Clausewitz, we can then say that

war is "subordinate" to politics.

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[24] Ibid., 85.

[25] Ibid., 87.

[26] Ibid.

[27] Ibid., Chapter 2.

[28] Ibid., Chapter 3.

[29] Ibid., Chapter 6.

[30] Ibid., Chapter 7.

[31] Ibid., 87.

However, in that context, the subordination of war to politics does not preclude the original continuous relationship between war and politics. Studying the nature of war, Clausewitz was able to study its different figures and peculiar rules. At the end of his book, however, he returned to the concept of the unity of war and politics. In the opening of chapter eight, Clausewitz explains that for obvious commodity reasons and in the purpose of study, it was necessary to separate different domains that are, actually, unified in the real life.[32] "War is only a branch of political activity; that is in no sense autonomous."[33] The unity of nature and continuation between politics and war is clearly the essential element: the grammar of war, "indeed, may be its own, but not its logic," because the latter is essentially political.[34]

As a result, soldiers are directly engaged in a political universe. In *The Republic*, Plato examined and explained how armies, and, consequently warriors, are consubstantial to the political entity. According to the Greek philosopher, the existence and prosperity of the city creates a competition for resources that will inevitably provoke war. "After that won't we go to war as a consequence, Glaucon? Or how will it be?"[35] Consequently if the city is to exist, "the city must be still bigger and not by a small number but by a whole army."[36] At the time of this dialogue, Socrates and his friends were choosing the types of

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[32] Clausewitz, *On War,* 605.

[33] Ibid.

[34] Ibid.

[35] Plato, *The Republic*, trans. Desmond Lee (New York: Penguin Group, 2003), Book II, 373e.

[36] Ibid.

people and professions that would deserve a place in the perfect city. One can then

deduce that, far from being on the margin of society, guardians of the city are at its center

and appear to be essential to the city's survival. The existence of guardians embodies the

will of the city to exist politically.

Eventually, politics is both at the beginning and at the end of war. It is, therefore

the *raison d'être* for armies and for soldiers.

The Soldiers and the Politicians: a Gap to fill?

Continuing the dialogue with Glaucon, Socrates defines the essential qualities of

the guardians: "the man who's going to be a fine and good guardian of the city for us will

in his nature be philosophic, spirited, swift, and strong."[37] According to Socrates, the

guardian not only needs to be a man of action but needs to be a philosopher and as such, a

friend of truth and knowledge.[38] Certainly, Socrates was here describing the ideal

characteristics of a perfect city, and of course in reality perspectives have evolved since

the ancient Greek city. Still, the differences of skills required to be either a guardian or a

politician based on Socrates's perspective are striking. Socrates's life and death vividly

represent the conflicting relationship between truth and politics. The world of politics

depends more on opinion than truth. As a philosopher, Socrates was condemned because

he refused to compromise truth. Ultimately, whether he was right or wrong is beyond the

realm of the political decision. Truth and opinion simply belong to different worlds.

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[37] Plato, 376c.

[38] In his philosophic dictionary, Voltaire actually defines the philosopher as a friend of wisdom hence of truth. Voltaire, *dictionnaire philosophique*, Le chasseur abstrait, 2004, 1681.

Since the Ancient Greeks, the tensions between truth and politics remain and still directly influence those who, by profession, are involved in politics. Consequently, individuals on the political arena may have a different approach to facts, hence, a different decision making process and behavior.

In the opening of her essay on "Truth and Politics,"[39] Hannah Arendt writes: "No one has ever doubted that truth and politics are on rather bad terms with each other, and no one, as far as I know, has ever counted truthfulness among political virtue. Lies have always been regarded as necessary and jutifiable tools not only of the politician's or the demagogue's, but also to the statesman's trade."[40] Arendt states later that from a political point of view, truth has a despotic nature. Government cannot owe truth; hence, the status of the latter is always precarious and threatened.[41]

The military point of view seems to be quite different. Politics, says Paul Valery, essentially consists of making credits or loans on power. "War liquidates those positions and requires the payment of real forces."[42] The military world is more of a concrete one. The soldier is grappling with the harsh reality of fighting and death. Soldiers, therefore, focus on truth and facts. Soldiers track the facts to embrace a fugitive reality that brings them victory. Success, says Liddell-Hart, "relies on the most satisfactory approximation

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[39] Hannah Arendt, *La crise de la culture* (Paris: Folio-Gallimard, 1972), 289.

[40] Ibid.

[41] Ibid., 307.

[42] Paul Valery, *Regards sur le monde actuel* (Paris: Folio-Gallimard, 1945), 151.

of truth."[43] Therefore, a soldier's mindset and behavior are completely different from the politician's mindset and behavior.

Before being launched on to the political stage by both history and his own will, Charles de Gaulle was an army officer. His particular talent for writing and his life experiences certainly manifest a striking testimony from the last century on the ambiguities of the relationship between politicians and militaries. In his book *The Edge of the Sword*, written before World War II and his political birth, De Gaulle compares both characters and behaviors between the two professions,and gives us a perfect overview of the difference in mindsets. "It is the task of political leaders to dominate opinion: that of the monarch, of the council, of the people, since it is from these that they draw their authority."[44] "The statesman, therefore, must concentrate all his efforts on captivating men's minds. He must know when to dissemble, when to be frank. He must pose as a servant of the public in order to become its master."[45] His authority, no matter how unquestioned, is precarious. Public opinion, that inconstant mistress, follows his lead with capricious step, ready to stop dead should he race too far ahead, to take giant strides when he thinks it advisable to move with caution. "He comes and goes between power and powerlessness, between prestige and public ingratitude. The whole of his life and the total sum of his work are marked by instability, restlessness, and storm, and so are very different from those of the soldier. The soldier's profession is that of arms, but the power

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[43] Basil Henry Liddell-Hart, *Stratégy* (Paris France: Perrin, 1998), 395.

[44] de Gaulle, *The Edge of the Sword*, 104.

[45] Ibid.

they give him has to be strictly organized. From the moment that he embarks upon it he becomes a slave of a body of regulations, and so remains all through his active life."[46]

The environment in which they operate shapes men. Because their constraints are different, soldiers and politicians simply behave differently:

> The statesman and the soldier bring, therefore, to a common task very different characters, methods, and anxieties. The former reaches his goal by roundabout ways, the latter by direct approach. The one is long-sighted though his vision may be clouded, sees realities as complex, and sets himself to master them by trickery and calculation. The other sees with clear eyes what there is to be seen straight in front of his nose and think it simple and capable of being controlled by resolution. In dealing with immediate problems, the statesman's first concern is what people will say of him; the soldier looks for counsel of principles.[47]

Charles de Gaulle continues,

> This unlikeness, is the cause of a certain amount of mutual misunderstanding. The soldier often regards the man of politics as unreliable, inconsistent, and greedy for the limelight. Bred on imperatives, the military temperament is astonished by the number of pretenses in which the statesman has to indulge. The terrible simplicities of war are in strong contrast to the devious methods demanded by the art of government."[48] "Inversely, the taste for system, the self-assurance, and the rigidity which, as the result of prolonged constraint are inbred in the soldier, seem to the politicians tiresome and unattractive. . . . In the eye s of a political leader the soldier is narrow-minded, arrogant, and hard to handle, no matter how deferential he may seem on the surface.[49]

The difference in mindset exposed by de Gaulle clearly raises the question of power sharing, cooperation and obedience. It has, therefore, a critical significance for the common wealth of the people.

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[46] Ibid., 105.

[47] Ibid., 106.

[48] Ibid.

[49] de Gaulle, *The Edge of the Sword*, 107-108.

<u>The Importance of the Relationship</u>

Interestingly, de Gaulle continues his study by affirming that "this lack of mutual sympathy between the statesman and the soldier is not necessarily a disadvantage. Something in nature of a balance of tendencies is necessary in the state, and one ought to have a sense of satisfaction when those who govern the country and those who direct its armed forces are, to some extent, estranged from one another."[50]

Nevertheless, soldiers and politicians need to find ways to understand each other. Whether they like it or not, the future of their country someday may well depend on their ability to work together. "History can show innumerable instances in which a quarrel between the politicians and the army has been the direct cause of disaster. . . . The pattern of a war is set in times of peace."[51]

At the beginning of this chapter, we analyzed the united nature of the military and the political. Confrontation is at the heart of politics just as politics is armies and soldier's *raison d'être*. The soldier personalizes the political will of a collective entity to exist and survive. And Clausewitz teaches us that considering war as a domain separated from politics is "pointless and devoid of sense."[52] Yet the soldier and the statesman, operating under different sets of rules and constraints, seem to be in opposition. How can we solve such a paradox in time of peace so that we do not find ourselves resourceless and weak in time of peril? "Failure on the battlefield threatens the very existence of the polity the

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[50] Ibid., 108.

[51] Ibid., 109.

[52] Clausewitz, *On War,* 605.

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military is sworn to defend."[53] The military has, as Huntington states, a functional imperative to master and reduce external threats. On the other hand, its hubris and natural tendency to grow its power for the purpose of domination ultimately represents a threat to the polity. Therefore, the question of civilian control of the military remains critical to the protection of democratic values. Modern democracies usually find solutions by affirming the sub-ordinate character of the military. As it precedes the military, politics must logically prevail. Still, limits are not clarified and boundaries remain a matter of interpretations.

In 1964, French Marshal Alphonse Juin, at that time the highest French military dignitary, published his last book *Three Centuries of Military Obedience, 1650-1963* in which he demonstrates that obedience has been the traditional cornerstone of the French Army since King Louis XIV. Despite the bold disobedience of several officers who rebelled in 1961 against the central government while serving in Algeria, Marshal Juin uses his own experience to enforce his message for the youngest generations. "I obeyed when obedience was the obvious thing," he writes, "but I also obeyed in circumstances where many feel, or felt, that it was necessary to disobey: in particular at the time of the armistice in 1940 and at the time of the abandonment of my native land of Algeria."[54] For Juin, a soldier simply ceases to be a soldier when he expresses a political judgment and strict obedience is the only way to both behave and keep safe one's honor. Since his book, and the witch hunt that followed the rebellion, very few opposed this view.

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[53] Mackubin Thomas Owens, *US Civil-Military Relations after 9/11* (New York: Bloomsbury Academic, 2011), 91.

[54] Marshal Alphonse Juin, *Trois siècles d'obéissances militaires* (L'esprit du livre, 2009), 14.

Marshal Juin's advocacy for obedience probably remains, indeed, the last remarkable

French contribution to the field of civil military relations. However, the history of the

French Army since Louis the XIV has also been a history of dissent. From Turenne and

Louis de Bourbon-Condé in the 17th century to de Gaulle himself, French history is

paved with glorious generals who also strongly expressed their dissents. For instance,

Lafayette spent his whole life dissenting and, sometimes, disobeying the orders of his

successive royal, imperial or republican masters. Marshal Leclerc, who liberated Paris

from the Germans in 1944, facetiously states that the best things he did during his career

were when he disobeyed.[55]

In *The Soldier and the State*, Samuel Huntington explains that ensuring

subordination of the military while preserving the military's effectiveness in fighting is

best achieved through "objective control of the military." In Huntington's perspective or

normative theory, the key to objective control is "the recognition of autonomous military

professionalism," (i.e., respect for an independent military sphere of action). Interference

or meddling in military affairs undermines professionalism and so undermines objective

control."[56] Tactical and operational level are then to be reserved to the military while

grand strategy falls into the political domain. Thereby, the politician remains outside of

the technical business of war while the military is rendered "politically sterile or

neutral."[57] However, some of the most successful and celebrated figures in American

history, such as George Washington, Abraham Lincoln, Ulysses Grant, Robert Lee,

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[55] General Alain de Boissieu, *Espoir* n96 (1994): 37-48.

[56] Huntington, *The Soldier and the State*, 84.

[57] Owens, *US Civil-Military Relations after 9/11*, 22.

Franklin Delano Roosevelt, Dwight Eisenhower or even George Marshall do not

represent the strict and perfect separation between the military and political domain.[58]

Further, other authors argue that a strict separation is both unrealistic and not

desirable. Analyzing the government of Poland, Rousseau already described in the

eighteenth century the importance of the link between citizenship and defense. "First,

soldiering constructs civic virtues; . . . and when citizens serve as soldiers to defend the

republic . . . there is no reason to fear a military challenge to the republic."[59] Besides, as

Janowitz points out in *The Professional Soldier,* the distinction between a purely military

and a purely civilian domain is sometimes difficult to achieve. The distinction between

civil and military, if real from a sociological point of view, shall not be considered as the

perfect mirror of the distinction between political and military domains. For de Gaulle the

distinction between the political and military domains cannot be defined nor ordered. It is

a matter of situation, institution, constitution, character and, above all, a matter of

situation.[60]

For that matter, history gives contradictory examples. Certainly in the tumult of

history glorious generals, brought to the pinnacle by the people they once defended,

sometimes enslaved these same people by elevating themselves at the top of the state. As

Voltaire points out in his paragraph dedicated to Armies, "Janissaries made Sultans'

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[58] For this matter one can refer to Eliot Cohen's book*, Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Free Press, 2002).

[59] Ibid., 24.

[60] de Gaulle, *The Edge of the Sword*, 220.

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greatness but they also had them strangled."[61] The reverse however, is also commonplace in history. When politics penetrates everything and expands to the extreme, war becomes ideological and represents a similar threat to freedom and peace. One can remember, indeed, that at least historically, the Great Terror and total war were born in France in the wake of the Great Revolution. In Russia similarly, the purges and the great terror of the 1920s and 1930s accompanied the 1917 revolution, as did, in China, the Cultural Revolution in the wake of the Hundred Flowers Campaign.

The soldier, eventually, has to adapt to events. Democracies and people, when desperately fighting against all odds, have often found what they needed in their military leaders. "In the theater of peacetime, it is the statesman who plays the chief role. . . . Then suddenly war calls another actor from the wings, pushes him to the middle of the stage, and trains the limelight on him: the military chief appears."[62] After the battle of France in 1940, the civilian authority collapsed. The people, then, called Marshal Petain in the hope that the First World War hero would save the country. Meanwhile, on the other side of the Channel, de Gaulle refused Petain's decision to sign an armistice and call the people to follow him in the name of the country's honor. The two dramatic paths that were facing French people at that time were proposed by two army officers.[63]

There may be, indeed, no theoretical consensus over the concrete limits of the military commitment to politics. While there is little doubt, for the vast majority of

[61] Voltaire, *dictionnaire philosophique*, Le chasseur abstrait, 2004, 283.

[62] de Gaulle, *The Edge of the Sword*, 103.

[63] Petain and de Gaulle, both army officers, led two movements that split the country into opposed parties.

people in democratic countries, that the military must remain under the control of civilian authority, public dissent from military personnel in either active or non-active duty positions remains very controversial. Depending on the society's history and culture, terms like partisanship, political neutrality and citizenship cover many different traditions and realities. Despite the absence of a perfect doctrinal answer, and determined to survive in spite of internal and external threats, societies have developed different and evolving balances between the military and politics that derived from their unique histories.

This first chapter partially answered the first two secondary research questions. Confrontation is at the foundation of politics and war is the continuation of politics. Both spheres, to a certain extent, are nested to one another. However, the military and political activity, occurring in different environments under different constraints, require different skills from their agents. Despite their differences, the relationship between soldiers and their civilian leaders remain key to the future of the country. The soldier needs the orders and the mandate from the politician. The politician needs the protection and strength of the soldier. To a certain extent, they always depend upon one another, but the level of dependence is situational.

CHAPTER 3

RESEARCH METHODOLOGY

> And in the same way that we are, sometimes, willing to buy peace by all means even the most shameful, we buy the deal of intelligence by concessions to the dominant thought. From this perspective, intellectual terrorism outweighs any political terrorism, because it ignores himself and spread without any visible violence. Many adhere to the so-called evidence of consensus, without having thought, and even with a kind of gratitude.[64]
> — Chantal Delsol, "*Penser est une chose redoutable*"

There appears to be two main approaches to the relationship between military and politics. In the wake of Huntington's theory, the prevailing approach today looks for a clear boundary between the realm of politics and the business of the military. The second approach advocates that the separation line is constantly evolving in conjunction with the situation, the culture, the character of the stakeholders. It is often a practitioner's point of view. The differences in the approaches define, in part, the methodology for formulating a response to the primary research question "to what extent can the military participate into national decisions which have political implications?"

In order to do so, this thesis will use as a guideline the following three political dialectics described by Freund: the friend and enemy dialectic, the public and private dialectic, and the command and obedience dialectic. Each of the dialectics will be developed at the beginning of the next chapter. As the synthesis of the three dialectics forms the essence of politics, they form a relevant framework for this study. If the involvement of the military in politics is to have clear boundaries, those boundaries will

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[64] Chantal Delsol, "*Penser est une chose redoutable*," Revue ZNAK (Cracovie), n 712 (septembre 2014), accessed May 4, 2015, http://www.chantaldelsol.fr/penser-est-une-chose-redoutable/.

be easy to discover within each of the three dialectics. However, if clear limits cannot be established within each of the dialectics, this study would have to examine other ways to inform the military of its role. In the vast political domain, the three dialectics seemingly present a reliable path.

Furthermore, as explained in the conclusion of the literature review, the degree of interpenetration between politics and military affairs seems to be situational. Hence, this thesis has to examine the three dialectics to the relevant context. A military is attuned, at least to a certain extent, to a society and a given moment in history. War reflects a moment in the history of a society as much as economy, language or art. Throughout time, the evolution of technology, the relationship between societies and of the society dynamic in itself, has influenced the three dialectics and the relationship between them. The synthesis, therefore, has evolved continuously in history. Therefore, we have to examine the three dialectics within the context of our new world.

In order to frame today's context, this study will use the four following evolutions:

1. a new globalized world

2. new technologies and the influence of the media and the infosphere

3. the increased power of the judiciary

4. new professional and all-volunteer armies

Applying the three dialectics to the four characteristics of our world, this thesis will be able to describe more precisely the new synthesis produced by each dialectic. This study will then describe how this new synthesis informs the military and its interaction with politics.

One could correctly argue that the four characteristics presented above are not exhaustive and that the world has evolved in many other ways. However, even if expressed differently, these themes are among the most commonly used to describe the remarkable trends that have shaped history during the last half century in both France and the United States. Above all, and even among others, the four characteristics chosen here are relevant to our study because they are meaningful to defense issues in general, and to the military in particular.

The methodology of this thesis can be represented in the following matrix:

Table 1.   Political Dialectics in the 21st Century

	Friend and Enemy	Public and Private	Command and Obedience
New globalized world			
New technologies			
Increased Judicial power			
New armies			
	tentative conclusion	tentative conclusion	tentative conclusion
	General conclusion		

Source: Created by author.

First, this thesis will develop the three dialectics. Thereafter, it will explain their importance to the political concept and also explain how the three dialectics relate to the soldier. Second, this thesis will describe the new context of the primary question by developing the main evolutions that mark today's world. The study will next examine each dialectic through the filter of the four characteristics and draw tentative conclusions,

which will provide a better understanding of the context in which the military operates

and, thereby, achieve a fairly good idea of the current and specific conditions in which

the limitation of the military's commitment to policymaking should be determined.

Finally, the thesis will compare the tentative conclusions and develop the main ideas that

could provide the basis for our general conclusion.

CHAPTER 4

ANALYSIS

Let me have men about me that are fat; Sleek-headed men and such as sleep o'
nights
— W. Shakespeare, Jules Cesar, Act I sc II

The purpose of this chapter is to analyze the interactions between politics and the

military within the framework of Julien Freund's dialectics of politics as applied to the

main characteristics of current French and American societies.

The Dialectics and the Soldier

As noted in the second chapter of this study, Julien Freund explains *The Essence*

of Politics through three main components: the relationship between Command and

Obedience, the relationship between Public and Private, and the relationship between

Friend and Enemy. After explaining how they apply to politics in general, this study will

examine how they also apply to the military.

According to Freund, the forms of politics may have changed, but the nature of it

remains stable throughout history. If one can analyze and appreciate the history of the

Peloponnesian War, the conquests of Alexander, the fall of Constantinople or the French

Revolution, it is because those events share a common political essence.[65] According to

Freund the three relationships describe the pre-conditions to the advent of politics.[66]

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[65] Freund, *l'essence du politique*, 91.

[66] Ibid., 94.

These three components are the main distinctions, or categories, that constitute the essence of politics.

For Freund the relationships are actually irreducible dialectics. Irreducible because each dialectic relies on an antagonism between concepts that cannot be reduced. Within a dialectic each concept depends on the existence of its opposite: each is correlative to the other. The absorption of one concept by its opposite leads to the disaggregation of both concepts and to the collapse of the dialectic. Additionally, these dialectics are fundamental because politics is destroyed if one pre-condition disappears. Take out a foundation and the whole edifice crumbles. The dialectics, Freund wrote, are a necessity to the existence of politics,[67] and consequently their evolution describes the evolution of the political dynamic.

<div align="center">Command and Obedience</div>

The first dialectic described by Freund is Command and Obedience. "The command consists in the hierarchical relationship that is established in a group by the power that an individual will exercise over other wills and which shapes the group's cohesion."[68]Obedience consists in submission to another's will in the interest of a particular activity.[69] Because its purpose is to concretely execute, obedience is conceptually opposed to command, whose domain lies in the realm of will and

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[67] Ibid., 104.

[68] Ibid., 108.

[69] Ibid., 154.

possibilities.[70] Both are correlative to one another. Obedience obviously does not exist

without command. Similarly, command is not an isolated concept. Its purpose is to seek

out another will in order to achieve a common realization or goal to the benefit of the

collective. Obedience, therefore, is the condition for command to have a meaning and a

reality. Depending on the context, the product of the command and obedience dialectic

may have various aspects. In ordinary things, it may take the form of an agreement, a

social rule or tradition, a law, or even an individual decision. However, eventually the

dialectic between Command and Obedience creates a more or less stable balance that is

often referred to as "order."[71]

This first dialectic is very meaningful to the soldier. Unless he is a young private

and at the very bottom of the hierarchy, soldiers are always concurrently commanders

and obedient subordinates. As a leader, an officer knows that his command positions are

non-existent without troops under the command to obey orders. In fact, a commander's

purpose is to oriente the will and action of others; not to do, but to direct. As a

subordinate, the young officer rapidly feels also the solidarity of the chain of command.

If he refuses to obey, the strength of his position as a leader will soon be at stake.

Conversely, if he is only a follower, then his position as a leader becomes irrelevant.

While this concept exists in the armed forces, it is also applicable in politics. The

reality of an army depends upon the command and obedience dialectic expressed in a

chain of command. Similarly the existence of the political entity depends on the

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[70] Ibid., 105.

[71] Ibid., 217.

Command and Obedience relationship between the people and their leaders. Therefore, this first dialectic is fundamental to both politics and the military.

Although the dynamic is similar, the expression of the dialectic is different from one environment to another. In modern democracies, the command and obedience relationship relies upon political freedom that translates itself into public debates and elections. People designate elected officials to command, or at least to preside in and direct the political life of the country and to determine the government's policy. In the armed forces, the dialectic translates into a more ordered fashion through a chain of command. This chain enables discipline, usually considered the essential strength of armies. In the military, the command and obedience relationship translates into a demanding framework and orders regulate a soldier's life. Ultimately, this relationship requires no less from the soldier than to preserve and take lives, or to give his own.

Therefore, the soldier is a grand figure in this first fundamental relationship. Soldiers personify, indeed, the highest degree of the command and obedience dialectic. Conversely, the chain of command is inherent to the military organization. Soldiers, in a way, would betray the nature of the military position by ignoring their dual role within the chain of command.

Public and Private

The second fundamental relationship is the dialectic between public and private. For Freund, the term public refers to a determined society which tries to unify and structure itself in order to autonomously act as a collectivity to affirm its own unity and

interests.[72] Without being opposed to the individual, it transcends the individual by being concurrently a higher reason and a higher will. By contrast, the private is defined by all non-public relationships within the society. Today it could correspond to what we usually call "civil society." According to Freund, politics alone does not cover the whole of society given the fact that other social relationships exist outside the realm of politics (family, economy etc). Nevertheless, where there would be no society there would be no politics and therefore the dialectic is fundamental to politics. There are at least two aspects of this dialectic. The first covers the distinction between what is public and what must be private. The second relates to how the private influences the public and vice versa.

One is never only private nor only public. The individual is always the member of a society or of a collective entity. At the same time he is more than that by having also a private life through the particular relationships that individuals share with peers.[73] From that point of view, we can say that politics exists as long as it recognizes both the public and the private. Without the recognition of a public domain men would live in the precarious state of private competition, the realm of a war of everyone against everyone. No longer civilized, men would be reduced to a "state of nature" in which politics would

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[72] Freund, *l'essence du politique*, 318 to 320. Other definition "is called public the social activity which purpose is to protect the members of an independent collectivity for they form this collectivity and for they are, as such, a commonwealth worse to protect which is the collectivity's raison d'être." Freund, *l'essence du politique*, 292. Is said to be private, the social relationship which concerns individuals and interpersonal relationships as such, whether those relationship are on the basis of reciprocity or on association.

[73] Freund, *l'essence du politique*, 292.

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not yet exist.[74] In this regard, the communist experience demonstrates how totalitarianism tries to erase the private-public distinction to achieve the Marxist dream of a world free of politics. However, because the public and the private are full categories of man's existence, changing society demands no less than the creation of a new man. Indispensable to the man who composes the society, the public and private distinction is indeed irreducible and fundamental to politics.

The product of this dialectic is the political freedom expressed in what is called "opinion".[75] Opinion can be both public and private. When it is public, opinion refers to the preference supposedly endorsed by the people as a whole. When it is private, opinion refers to the preference or idea of an individual. Of course, the latter can be publicized, and ultimately public opinion is formed from private opinions. Misunderstanding often occurs between public and private when it comes to opinions or reasoning. Individual opinions can sometimes remain private in the name of the state's interest. Freedom of speech, as it is often stated, can legitimately be restricted in the name of the collective interest while freedom of thought should always remain unrestricted.

However, one can also consider the relationship between freedom and reason. To a certain extent, freedom of speech and freedom of thought are necessarily related. What would be the depth and accuracy of our thought if our reason was not somehow collective, if our ideas were not strengthened by dialogues and debates?[76] Without the

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[74] Hobbes, *Leviathan*, chap VII.

[75] Freund, *l'essence du politique*, 368.

[76] Immanuel Kant, *Que signifie s'orienter dans la pensée?* (Paris: Garnier Flammarion, 1991), 69.

ability to communicate, freedom of thought eventually remains a pure idea. As Montesquieu noted, political freedom can only consist of the ability to do what we want to do. From that point of view, confining freedom of thought to a strictly private domain is a chimera. Freedom exists only when "I want" coincides with "I can".[77] Kant also distinguishes the public and private use of reason. The public use of reason, understood as the public use of one's reason legitimized by one's expertise, "must always be free." By contrast, the private use of reason is "that which one may make of it in a particular civil post or office which is entrusted to him."[78] The latter can be restricted but of course, even soldiers are at the same time servants of the state and members of the society. As a result, a soldier's right to use publicly his reason cannot be denied.

The soldier's life is at the heart of this dialectic. In the service of the collective, soldiers give up their freedom, renounce many of life's pleasures, and submit to the binding and, often, harsh rules of military life. Yet the soldier comes from civil society and can maintain his own ideal, he has more often than not dedicated body and soul to his service. "The man is lost in the soldier."[79] The soldier accepts boredom, fatigue and privation. He leaves his family the minute he receives the order to go. He goes where he is told. One day he is in one place; the next he is on the other side of the country or the planet. He renounces wealth, accepts delays and boundaries to his ambitions, sacrifices his interest and, if necessary, his life. Certainly the soldier keeps his personal beliefs, his

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[77] Arendt, *La crise de la culture*, 208.

[78] Immanuel Kant, *Qu est ce que les lumieres*? (Paris: Garnier Flammarion, 1991), 45.

[79] Alfred de Vigny, *Servitude et grandeur militaires* (Paris: Gallimard, 1992), 44.

honor, his own dignity and his ability to think. But when his opinion conflicts with public decisions, the soldier feels obliged. Certainly, one would argue that the soldier keeps his personal fundamental liberty. However, as a soldier deliberately chooses not to use his freedom in the service of discipline, his spirit may dull. He lacks practice. Because the pledge of a soldier is such a permanent and extreme one, his liberty can progressively disappear under the weight of his commitment to discipline and service. For the soldier, public interest must forego the private, including his own. Such a commitment is at the same time his burden and his grandeur.

For this reason, soldiers deserve the people's respect and the Nation's consideration.[80] In modern democracies, soldiers personalize the highest expression of the dialectic between public and private. If, neglecting the public interest, soldiers were eventually to find and serve private masters; they would betray the military's institution and, by the same token, would become mercenaries.

<center>Friend and Enemy</center>

The last pre-condition to politics is the dialectic between friend and enemy. For Freund, the enemy is "the other," We are fighting against him not as an individual but as a member of another political entity that challenges our own existence as a collectivity.[81] In other words, the political enemy is composed of all the members of a collectivity against which another collectivity fights in the name of its interests.[82] The figure of the

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[80] Legifrance, Code de la Defense, art.L4111-1, accessed April 30, 2015, www.legifrance.fr.

[81] Freund, *l'essence du politique*, 492.

[82] Ibid., 491.

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enemy that makes most sense in the context of politics is a public figure. Similarly, the political concept of friendship goes beyond the traditional and private view of friendship. The friend is a temporary or permanent partner, voluntarily chosen for a specific goal.[83] Because political friendship is founded on a common goal, its meaning correlates the existence of an enemy whether current or potential, actual or virtual.[84] Both notions are indeed correlative and include the possibility of violence and war as already discussed.[85]

The dialectic between friend and enemy is also fundamental to politics. Eventually, the advent of a fully pacific, universal society of brothers would lead to the suppression of all public institutions and necessarily to the suppression of politics. From this point of view it would be the end of civilized society. The enemy indeed has remained a permanent figure of history. It is nonsense to wonder whether or not history is violent because history is not an activity *per se*. According to Freund there is violence in history because violence is consubstantial to the friend and enemy dialectic. The use of violence is, indeed, the outcome of the friend and enemy dialectic.

For Freund, the political existence of an entity depends upon the possibility of war.[86] Within its boundaries, the state is supposed to suppress enmity or, at least, keep it under the level of a civil war. Between states, weapons and armies are those who, ultimately, settle the conflict. Clearly, the friend and enemy dialectic is at the very origin of armies. Given that politics is also the end of war according to the famous

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[83] Ibid., 478.

[84] Ibid.

[85] See chapter II on Carl Schmitt.

[86] Freund, *l'essence du politique*, 446.

Clausewitzian theory,[87] it follows that politics is a soldier's *raison d'être*. There is no other reason for the soldier to exist.

Camus writes that violence is "not avoidable nor justifiable." Consequently, when one tries to justify the use of violence, one chooses to enter the realm of politics. Violence and war are indeed highly political events.[88] So is peace. This is true when it comes to the relationship and conflict between states, and even more true when it comes to internal conflicts or civil war.

The dialectic between friend and enemy is fundamental to the existence and action of the soldier and the soldier is central to the friend and enemy dialectic. The military's origin and purpose are highly political. By his identifiable uniform, the soldier gives a concrete reality to the idea of enmity and reminds the people of the permanent possibility of war. The soldier is also the symbol of the highest degree of friendship, since the highest proof of solidarity a group can give may be the sacrifice of its own members for the survival of an ally.

Hence, the soldier personifies the highest degree of the friend and enemy dialectic. The soldier publicly reminds the possibility of war and the persistence of violence, and he represents in contrast friendship and force. The soldier, in other words, personifies the ultimate collective will to live collectively and survive collectively.

This analysis of the three political dialectics leads, therefore, to two primary conclusions. First, the three relationships fundamental to the existence of politics are highly meaningful to the soldier. These relationships are at the heart of a soldier's

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[87] Ibid., 590, 614.

[88] Ibid., 517-518.

"vocation." There is a continuity between the political dialectics and the soldier's purpose. Conversely, the soldier expresses the highest degree of each of the three dialectics. Hence, the soldier would betray his own purpose by ignoring one dialectic, or by neglecting one side within the dialectics. The soldier's role requires him, at the same time, to personify the dialectics and to maintain a certain balance within each dialectics.

However, the form of the relationship between public and private, between friend and enemies and between command and obedience constantly change throughout history. Consequently, the synthesis between the three dialectics is in permanent evolution. Hence, this thesis will now analyze some of the key principles peculiar to our times, the specific environment that distinguishes the context within which the military has to find its rightful place.

Our World

Throughout history, the context in which the three dialectics occur has perpetually evolved. Technology, events, men, and societies have shaped the way the dialectics appear. Modernity has changed war and war has also shaped modernity. Each of the fundamental political dialectics are constantly evolving, as has the context of politics in the world. The answer to questions such as "what is political and what is not," and "who is committed to politics and who is not" is also changing. Consequently, the limits we must draw between what belongs to pure politics and to the military's business must also change. We must then try to analyze the main evolutions that mark today's world, remaining broad enough to deduce an accurate picture of the context in which our primary question should be answered today.

A New Globalized World

Globalization refers to the advent of a system of interdependence beyond the former traditional boundaries between people and activities. This system can be depicted by what can be called networks. These networks show interconnections between spheres that were previously separated, if not entirely independent, from one another. Networks can be concrete, like transportation networks. They can also be less concrete: for instance, more banks are linked today through financial networks than ever before. Networks can also be virtual, like solidarity or social networks, for example. However, what is common to all the different networks is that they allow more entities, whether private or public, to be related at the same time.

Spheres that were previously separated are now linked in a global system: global finance, global culture, or global industries. Some networks deal with issues that are so important in our lives that we have set up international bodies to manage them. The International Monetary Fund, the World Trade Organization, and the World Bank are examples of such networks. In the past, language, sea and time separated Asia, Europe and America. Today, however, an increased number of transactions link the two continents on a dramatically reduced timescale through common virtual or actual language. More goods are moving faster from one place to another. More knowledge and information are shared faster. More people are moving faster. As a result, even cultural differences tend to diminish as increased relations expand our knowledge about each other.

Ultimately, increased interdependence between entities raises the question of the remaining differences between these entities, and this raises questions around their

fundamental identities. As money, people, goods, ideas and ideologies increasingly move from one place or group to another, globalization also impacts security. If we are to analyze the new conditions upon which political decisions are made, then we must also assess the impact of globalization.

New Technologies and the Advent of the Infosphere

Globalization was not only born out of the fall of the Iron Curtain but was supported by communications and electronics, particularly. During the last hundred years, we have moved from a society in which telegraph or telephones were the privilege of public institutions or rich people to a society in which everyone has access to mobile and digitalized technologies. From the era of newspaper and mass production, we have moved to the dematerialization of goods and information. Despite being virtual, the infosphere is expanding its influence and becoming more and more part of human activity. The average American spends more than five hours online per day and an additional four to five hours watching television.[89] The infosphere as a whole has become central to the way people perceive, understand, share, decide and act.

Certainly, politics cannot ignore the new and extraordinary power of communication technology. Political leaders refined and expanded their communication strategies in order to exploit the increasing opportunities created by the multiplication of media platforms and networks. The balance between form and substances has also

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[89] See part of the Nielsen report, *New York Daily News*, March 5, 2014, accessed February 5, 2015, http://www.nydailynews.com/life-style/average-american-watches-5-hours-tv-day-article-1.1711954. Similar figures were published by eMarketer agency, accessed February 5, 2015, http://www.emarketer.com/Article/Digital-Set-Surpass-TV-Time-Spent-with-US-Media/1010096#sthash.8fFmJb1I.dpuf.

changed. In our democracies, it has become a understatement to say that communication staff and strategies are as important to a political campaign as the actual substance of a program. Therefore, it is fair to say that infosphere directly shapes our world.

How does the virtual sphere influence a political decision making process which has concrete consequences for the country's people? The infosphere impacts politics at every level, including national security. The infosphere has changed politics as an activity and, therefore, it has modified the interactions between politics and other subordinate, but critical, activities, such as the military.

New Types of Armies

As technological evolutions shape activities and relationships between and within societies, they also shape armies. The balance between war and peace now involves more powerful, sophisticated, and expensive weapons. Subsequently, the composition of armed forces in modern democracies has changed over the last sixty years. In the era of nuclear deterrence and ballistic missiles, defense policies based on mobilization became less relevant. At the same time, the end of colonial empires freed military forces that were once required for the protection or the occupation of overseas territories.

The armed forces have adapted their organization, budgets, and concepts to this new reality. New weapons require new types of servants, less numerous but highly educated and trained. The French military strength in peacetime, for example, which had regularly increased since the 17th century, started to reduce at the beginning of the 1960s.[90] By 2020 the whole French army forces of around 66,000, will fit into the 80,000

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[90] Michel L. Martin, "*le declin de l'armee de masse en France*," *Revue francaise de sociologie*, 22 (1981): 94.

seat Parisian stadium *stade de France*.[91] In the United States, the army has also reduced its strength to a level that some claim is the smallest in the last 74 years.[92]

Beyond the size of the armed forces, the profile of soldiers has tremendously evolved. In the wake of civil unrest in the 1960s and the Vietnam War, the United States abandoned the draft in the mid 1970s and returned to the tradition of a volunteer army. However, today's long term enlistee has little in common with the idea of a citizen-soldier in the sense the American tradition anticipated.[93] Indeed, the latter used to serve his country in the army for a limited time, and for the purpose of a specific war, before going back into civil society, while the former enlists for a career. In France also, the draft was abandoned in the early 2000s. As societies gave less and less support to the idea of military obligation, and pushed for the end of conscription, the profile and culture of both armies and soldiers changed. For example, in 2006, 15 percent of active-duty enlisted personnel in the United States were female compared to less than 2 percent at the end of the draft. More than 90 percent are high school graduates while the 1973 goal was at 45 percent.[94] In France, military personnel now retire after an average 23.8 years in

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[91] French Ministry of Defense, *Projet de Loi de programmation militaire 2014-2019*, August 2, 2013, 39, accessed April 30, 2013, http://www.assemblee-nationale.fr/.

[92] Zoe Szathmary, "US Defense Secretary has Proposed Shrinking Army to Smallest Size before WWII," *The Daily Mail*, February 25, 2014.

[93] On this topic we can refer to Owens, *US Civil-Military Relations after 9/11*, 129.

[94] Bernard D. Rostker, *The Evolution of the All-Volunteer Force* (Santa Monica, CA: Rand Corporation, 2006), accessed February 5, 2015, http://www.rand.org/pubs/research_briefs/RB9195.html.

service.[95] Hence, the relationship between the military and society simply relies on fewer people who serve for a long period of time within the armed forces.

As armies get smaller, their connection with civil society decreases. In the United States, "less than 0.5 percent of the population serves in the armed forces. For nearly two generations, no American has been obligated to join up, and few do."[96] In 2011 in the United States, "more than three-quarters of civilian adults ages 50 and older reported having an immediate family member—a spouse, parent, sibling or child—who served or serves in the military. For many, that service took place before the end of the draft and the introduction of the all-volunteer force in 1973."[97] Both military and civilian analysts acknowledge the growing gap between the military and society.[98] Indeed, the reforms the armed forces have implemented for the last four decades have necessarily influenced the perception of armies and soldiers in both the political sphere and in civilian society as a whole and, consequently, impact their interactions.

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[95] Jean Dominique Merchet, *Les militaires partent a la retraite a 43 ans*, Secret Defense, 28 janvier 2015, accessed April 18, 2015. www.secretdefense.blog.liberation.fr.

[96] Karl W. Eikenberry and David M. Kennedy, "American and their Military, Drifting Apart," *New York Times*, May 26, 2013, accessed March 12, 2015, http://www.nytimes.com/2013/05/27/opinion/americans-and-their-military-drifting-apart.html.

[97] Donna Mills, "Survey Shows Growing Gap Between Civilians, Military," *DoD News*, November 28, 2011, accessed February 5, 2015, http://www.defense.gov/news/newsarticle.aspx?id=66253.

[98] Ibid.

The Expansion of the Judiciary Power

Finally, the role played by lawyers and judges in our society has expanded during the last century both qualitatively and quantitatively. The number of law suits has increased and the role played by law in the resolution of social, economic or political disputes has increased both at a national and international level.[99] In some countries, the expansion of the role of the courts has taken the form of a renewed influence of judiciary power over executive or legislative power. Before World War I, only a few countries had a judiciary body able to invalidate, in the name of the Constitution, a law already adopted by the legislative body. Today more than 83 countries have what we call supreme or constitutional courts. As a result of this expansion, the relationship between politics and judicial authority has changed. A thousand years ago, Saint Louis King of France dispensed justice under an oak tree near the Vincennes' castle. Justice and the state were then concentrated in one person. In the twentieth centuries, affairs like the Dreyfus case in France or Watergate in the United States show how judicial matters started to increasingly impact political life. As the judicial system has become more structured and independent, it has also investigated more easily into the political sphere.

In recent years, the creation of international jurisdiction and processes started to compete with national courts and traditions. The numbers of international legislative bodies and laws skyrocketed during the last century. In the aftermath of World War One, the Kellogg-Briand pact and the League of Nations first aimed at suppressing war by setting up an overarching international body. Soon, the League of Nations was replaced

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[99] Jacques Commaille and Hugues de Jouvenel, "*La judiciarisation de la société Française*," *Futuribles International*, September 19, 2006, accessed October 8, 2014, www.futuribles.com.

by the United Nations. Yet, failing to completely eliminate war, international law has increasingly tried to restrain it. Through several international forums, international law shapes diplomacy and increasingly informs national policy. Some, however, denounce the expansion of international jurisdiction and the politization of courts. While Spanish judge Baltasar Garzon claims that the Augusto Pinochet case falls under the jurisdiction of Spanish courts; courts in Brussels assess the legitimacy of French legislations against European legislations. In the United States, similarly, there is wide-spread criticism of judicial activism and legislating from the bench.

Some argue that political power has lost legitimacy over corruption scandals and policy failures. Subsequently, people have increasingly put their confidence in the judicial system as the new referee and ultimate way to address their concerns. At the national security level, the idea that all international questions can be settled via courts, rather than by the force of arms, has not yet proven viable but has clearly impacted the decision-making process and operational strategies.

Although not exhaustive, the characteristics analyzed above describe some of the main evolutions of the context in which the military must now operate. The limit to the soldier's participation in the political debate should, then, be analyzed and defined within the context of these new armies operating in a globalized world highly marked by the influence of communication technologies and increased national or international judicial power.

<u>The Political Dialectics and the</u>
<u>Military in the 21st Century</u>

This thesis will now compare the three dialectics with each of the main evolutions

described above.

The Soldier, the Friend, and the Enemy

<u>Global War for Global Enmity</u>

Today, the dialectic between friend and enemy occurs in a globalized community

in which physical, economic and psychological boundaries are blurred. In this

interconnected context, the military's area of involvement has grown beyond the

traditional battlefield. Therefore, society has perceived the military as being more

politically involved. The shape of the enemy has also changed. In the past, conflicts

occurred between friends and enemies who usually had a national flag, and who were

more or less identifiable to a country and its institutions. Today, however, the enemy has

become a member of a network rather than a public combatant. He is harder to identify.

For the military, new "enemies" often operate without uniform, alone or in small groups,

and more often than not among civilian populations. No longer a "pure" soldier, our

enemies are insurgents increasingly identified as rebels, fighters, or terrorists.

The distinction between civilian and military on the battlefield has been largely

replaced by the distinction between combatant and non-combatant. Faced with this

ambiguous reality, the military now has to identify the combatant from others.

Previously, the determination between who is a friend versus who is an enemy was of the

strict domain of politics. Armies fought accordingly. Because today's insurgent

increasingly operates behind the shield of civilian non-combatants, the soldier most

directly takes part in the decision between who is friend and who is enemy. His decisions have a clear political impact on how the operational problem can be framed and solved. Failure to do so, as the growing importance of collateral damage proves, has an increased and dramatic political impact also.

The form of the dialectic has also evolved in time and space. Today's enemy on the battlefield could be tomorrow's ally in reconstruction. Likewise, an ally here can be an enemy there. Formerly solid, relationships have become, in a way, more "liquid," if not gaseous. Iran fights piracy at sea along with NATO forces, but supports Bachar Al Assad's regime on land. Citizens are supporters one day and jihad fighters the next. Adapted to our time marked by increased mobility, hostility transcends borders with an unprecedented speed. With the Global War on Terrorism, the military has also rediscovered that it must operate not only abroad but also within the borders of the Republic. For the purpose of this new war, the military must engage in either covert or official operations in a global hunt for enemies that has triggered a politically sensitive debate over its ability to deliberately target citizens. Can the French military engage specifically French citizens fighting for ISIS? Can United States drones bomb United States citizens?

Outside of the particular case of civil wars, during which the Nation and the military potentially break into two separate territories and forces, the military has been traditionally more concerned about protecting the homeland from outside. As the homeland has become increasingly targeted by enemies acting inside its borders, the military has to respond accordingly. In France for instance, the Vigipirate plan, initially created as an exceptional involvement of military assets to protect key infrastructures

against terrorist attacks, never went below level four out of five, since 2005. As a result, the existence of soldiers patrolling in the streets of Paris has simply become the norm for Parisian people. Internal political life and troubles, previously the domain of the constabulary forces, now increasingly concern the military beyond the mere interagency cooperation. This involvement has dramatically increased the number of direct interactions between the military and society, and blurs the lines of separation between the military and politics.

The synthesis produced by the friend and enemy dialectic and, consequently, military operations has also become polymorph. Increased dependence between spheres once separated characterizes today's globalized world. While some notice that diplomacy became more militarized, the military has also become more and more influenced by diplomacy or economy. Thus, central players in the dialectic have expanded their relationships with other activities such as criminality, drug and human trafficking, money laundering and others, and military action has responded accordingly. Confrontation is less than ever the private realm of the soldier. Conversely, strategies and targets today are not only military but increasingly financial, cultural, industrial etc. Military actions further penetrate spheres previously outside or on the margins of the military domain. During the 1990s, economic sanctions became one of the preferred tools in support of, or a complement to, military actions.[100] Economics further influences foreign policy

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[100] We can remember for instance the lasting effects of economic sanctions in Iraq during the 90's, continuing through attrition a direct action that started with the Gulf war. According to the UN, several million people died as a result of those sanctions amongst whom more than 500 000 children. On this topic we can refer to Barbara Crossette's article, "Iraq Sanctions Kill Children, U.N. Report," *New York Times,* December 1, 1995

strategies while military vocabulary has entered multinational companies' executive boards. One could argue that this is because the economy is taking over politics. In reality, however, there is nothing new, and the importance of the economic sphere today does not mean that hostility is decreasing or that politics has left the realm of hostility and confrontation. This means that today's distinction between friend and enemy is based on economic criterion more than it used to be. In the name of a hypothetical demand of the philosophy of history, we were told that politics was moribund and the withering of the state. Not only can we notice the continuation of political activity in the world, but also our daily security and destiny depend more than ever on potentially unfortunate or misguided political decisions. Economics has always played a role in wars, and to a certain extent every social or political problem has economic ramifications. Though economics does not take over politics; enmity simply further penetrates the economic sphere.[101] In other words, as the relations between different spheres increased, the friend–enemy dialectic is able to invest various fields.

The creation and increased integration of civil affairs operations into military campaign plans also illustrates this fact. As the enemy acts within the society rather than only on the battlefield, the military has necessarily become involved in engaging "soft targets" such as cultural centers, people's perceptions, hearts and minds, and local political or traditional leaders. "Ten to 15 years ago, the military was much smaller and less holistic," notes a retired officer. "Today's military is doing more with more: It

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accessed February 7, 2015, http://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html, or simply to the a well-known report by UNICEF.

[101] Freund, *l'essence du politique*, 759.

sponsors radio and television shows in Afghanistan, operates health clinics in Africa, provides technical assistance to courts and parliaments, engages in cyberdefense, carries out drone strikes in far-flung places, and collects data from our telephone calls and emails."[102] From this point of view it makes sense that analysts point out how politicized the military has become. The political footprint of the military has increased because of the new war the military has to fight.

E-enmity

The friend and enemy dialectic has also entered the information sphere. Consequently the military has become increasingly involved in a dematerialized fight over perception that was traditionally considered as the realm of politics. Hostility has dematerialized yet it has not turned virtual. Cyber-attacks are constantly growing. The dialectic penetrates news channels, blogs, think tanks, and social networks. Every media and social platform has become the venue to expand the antagonism between friend and enemies, and spreads arguments such as the pros and cons of a military action in Iraq, the pros and cons of an intervention in Ukraine, or of the bombardment of Syria. The military has responded by creating new dedicated units. The modern army today has created cyber units and often a cyber-command. While other commands are downsizing, cyber budgets and personnel are growing. The military's cyber capabilities not only aim at defeating an adversary's cyber and C2s capabilities. These networks are fully integrated to military campaigns. Communication, psyops, and information operations have their own lines on the operational approach scheme. Their purpose is to influence opinions, discredit the

[102] Rosa Brooks, "Obama vs. the Generals," *Politicao Magazine*, November 2013, accessed February 5, 2015, www.politico.com.

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adversary, support and influence allies and neutral protagonists. Whether he likes it or not the soldier is fully committed on this dematerialized battlefield. As the battlefield has turned into a battle sphere, targets have dematerialized. Yesterday, armies aimed at reducing the people's political will by destroying their military forces. With total war, strategies focused on destroying military capabilities and the industrial complex while creating fear through mass bombings. Yet propaganda existed, battles remained the central focus of military strategists who, in the wake of Clausewitz, sought the annihilation of the enemy's forces. Today, armies increasingly focus on winning the battle of narrative, and shape perceptions as they shape any other operational environment. Psychological and informational operations, which used to be a support to the actual battle, occupy a central place in the design of military campaigns.

As Henri Hude explains, the military now participates in a global debate "for or against the war," and "for or against his country's involvement in the war."[103] Consequently, the military directly assumes, *de facto*, a higher political and moral responsibility.[104] Far beyond the battlefield, political leaders expect the military to produce images and data in support of a given political speech across what is euphemistically called the area of interest. Additionally, this area tends to cover an expanding part of the world, including the homeland. The attacks in the United States on September 11, 2001 are a good example. In the immediate aftermath of the attacks, images of both military troops deployed into city centers and fighter jets patrolling the United States' sky supported President George Bush's declaration, "we are at war," that

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[103] Henri Hude, *Democratie durable* (Monceau, Paris, 2010), 315.

[104] Ibid., 325.

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was relentlessly broadcast by news channels. Shortly after 9/11, more than 75 percent of interviewed Americans declared support for any military operations in retaliation to the attack[105] and the Global War on Terrorism began.

While previously, modern armies aimed at the complete annihilation of the enemies' forces under rapid and massive offensives, post-modern armies' aim at limiting real engagements and are trained to rely on effect-based operation plans. In the postmodern army, doctrine and operations sometimes sound like a motto for an advertisement . . . or for a political campaign. The meaningful massive retaliation or graduated response has been replaced by catchwords: "Shock and Awe" or "hearts and minds."

New Capabilities for a New Army Model

The new paradigm of the friend and enemy dialectic has clearly raised the operational demand for the army's ability to shape perception and operate within society. Hopefully, the new all-volunteer army model supports that trend and enables the integration of new capabilities. Hence the armed forces' competence has expanded beyond the traditional boundaries of military action.

Effective armies are those which have been redesigned for global wars in a global world. They are adaptable, projectable, and technological. Today, the number of men a country is able to mobilize is now? paramount in the ranking of military power. Military power is assessed on the ability of a small, all-volunteer army to decisively identify and disable the enemy. Supported by technology, military action impacts more distant

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[105] Thomas Rabino, *De la guerre en Amérique* (Paris, France: Perrin, 2011), 41.

battlefields decisively, and men and women in uniform increasingly participate in the decision between who is a friend and who is an enemy. However, technologies such as drones, satellites and radar imagery, and C2 platforms also operate as filters that can disconnect the soldier and the battlefield. Besides, the increased capabilities of the military to influence society and its direct involvement in the decision between who is friend and who is the enemy has not evolved with an increased representation of the armed forces in society. Eventually, there is a risk of disconnection between the society and armed forces that increasingly discriminate between friend and enemies on behalf of the society. For several months for instance, drone strikes based on a potential target's behavior raised the friend and enemy distinction to a level of ambiguity never reached before. Who controls the operational decision between who is a military target and who is not? What is the criterion? Drone strikes remain highly controversial precisely because the criterion for the "signature" on behalf of which the military operates remains discretionary.

Some have concluded that the new army model has refashioned the armed forces into an "instrument of global interventionism" which could offer "an attractive way to alleviate the world's ailments."[106] In fact, military decision makers, more than anyone else, redesigned the armed forces in the 1980s and 1990s as a tool that could support foreign policy. The professional army model in itself has increased the political content and purpose of the armed forces. Eventually, the idea of a United States army built "to win the nation's war" is also increasingly disconnected from the reality of a military

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[106] Andrew Bacevich, *Breach of Trust* (New York: Henry Holt and Co, 2013), 112.

actually more and more involved in constabulary tasks and dependent on its bureaucratic organization.

When Law Blurs the Lines

Finally, the military operates in a legal context that has an increased but ambiguous effect. As for other fields in society, the weight of legislation on military activities has increased and refined the military decision-making process. However, the legitimacy and foundations of the military's actions have traditionally rested beyond the strict purview of the judiciary.

On the one hand, regulations' impact on military operations is more important than ever. Legal issues are dedicated in specific paragraphs and annexes in operational orders. Forces are rarely deployed without a Status of Force Agreement which defines the legal status and protection of a soldier vis a vis the host nation's judicial system. Prior to and during their deployments, soldiers receive constant training on rules of engagement and use of force. Orders are systematically reviewed by lawyers before being signed by the commander. "I can't even give a directive without getting permission from my staff judge advocate" complained an Army general in the 1970s.[107] Since then, and fomented in part by civil rights movements and reinforced by scandals such as My Lai, the French use of torture in Algeria, or more recently Abu Graib, the importance of regulation and legislation in military life and operation have grown.

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[107] Robert D. Heinl Jr., "The Collapse of the Armed Forces," *North American Alliance Newspaper*, quoted in H306RA, US Army Command and General Staff College Department of History.

On the other hand, however, the soldier's legal environment seems ever less clear and secure. While one of the major characteristics of a war environment is to be beyond traditional rules for civil society, the set of regulations that the soldier is to observe has massively grown. War occurs precisely when all the traditional rules and regulations fail to settle the dispute. To limit the grief that accompanies wars, men have tried to contain war through multiple laws and "rules of war". Still, the first rule of war remains "to bypass". Further, these regulations are increased by international bodies that operate beyond the clear legal framework once offered by one's own country. This uncertainty is reinforced by the fact that wars are no longer declared. The soldier is, instead, deployed in a region where he may take part in some "operations" whose military nature looks less evident. Peacekeeping, relief assistance, humanitarian aid, capacity building, and counter-terrorism are various operations whose legal framework has become more and more difficult to embrace.

Sometimes, the legislative framework has become so binding that it affects directly military efficiency. The inability of blue helmets to stop genocides in the 1990s in peacekeeping operations in Rwanda or former Yugoslavia were full of lessons for that matter. Yet, if the military today benefits from rules more compatible with the use of force, the role of law and lawyers in military operations have not diminished. The legal imbroglio over Somali pirates' prosecutions or Guantanamo Bay prisoners' trials remain, certainly, as vivid realities. When designing the operational approach, the legal framework today is definitely high on the list.

As the professional military gets involved in security operations globally, people also expect soldiers to use and abide by law as every other security force would.

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Formerly lethal equipment has become non-lethal; formerly the expert of combat operations, soldiers have gained expertise on riot control and building of proxy security forces. The military has become less and less distinguished from a constabulary force. Conversely, people tend to look at combat deaths or injuries through the filter of the occupational injury and illness classification used by other professional activities. After the 2008 ambush in which 10 French soldiers perished in the Afghan valley of Uzbin, the opening of an investigation by a civilian court raised many questions in the French army around the specific nature of the institution, the society's tendency to consider military casualties as victims, and the pervasiveness of the judicial system.

The question of the intrusion of the judiciary into the conduct of tactical operations and the potential for criminal indictment are more critical than ever before.[108]

Preliminary Conclusion on the Friend and Enemy Dialectic

The friend and enemy dialectic depicts an environment which appears to be more uncertain. By necessity and by choice, the military is now more directly committed to decisions within the friend and enemy dialectic. Enmity has dematerialized and penetrated new spheres; so has the military. Threats and strategies have become hybrid. Armies need to operate differently, to integrate skills and to display capabilities previously outside or at the margins of their domain. The military now contributes to shape directly both the dialectic and the environment. Rejecting the new context of the friend and enemy dialectic in the name of a military that ought to remain outside of politics would appear, in the light of our previous conclusion, to make little sense. As the

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[108] General Irastorza, quoted by Laurent Bouzidi, *Revue de la Defense National*, tribune n85, accessed February 10, 2015, www.defnat.com.

world has turned global, such factors as economy, diplomacy, counter-insurgency, state building, and governance have become more interconnected. Consequently, strategies and operational approaches have become comprehensive or irrelevant. Additionally, the boundaries of the military domain have blurred. Hence, the limit to the soldier's involvement in politics is not easy to draw. It is not cut and dry and may, eventually, best be a matter of sound judgment.

In the United States, some people complain about a military being too politicized. Top military testimony to Congress is regularly under scrutiny. Conversely, in France, ministry of defense officials have complained about the lack of strategic vision of military leaders.[109] To be fair, one could apparently say that the military, whether in the United States or in France, has so far been unable to solve the unsolvable dilemma: produce an apolitical strategy. Some may then rightly think that military leaders are sometimes expressing ideas about issues that are beyond the scope of their responsibilities. On the other hand, silence too is more often than not improper and can be contrary to duty. Military leaders skirt their responsibility by failing to warn and protect the people. While, in a democratic state, the military is and should be subservient to civilian policy, the military cannot constantly hide behind "obedient service" to the political leadership when a major disaster occurs. Both history and the people would eventually hold the military partly accountable for the failure. So it was for the French in World War II, and for the United States in Vietnam. Thus, denying the military any political existence or any voice in the political debate may seem convenient but it also

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[109] Marianne Blog, "*Il n'y a pas assez de reflexion sur la strategie militaire,*" accessed March 5, 2015, http://www.marianne.net/blogsecretdefense/Il-n-y-a-pas-assez-de-reflexion-sur-la-strategie-militaire_a698.html.

opens a shortcut to avoid the difficult but central debate over the country's vital interests. European leaders, for example, may deny or deliberately choose to ignore the persistent friend and enemy dialectic. However, the role of the military remains to think about confrontation and to personalize the highest degree of the friend and enemy dialectic. This role is public and it is political, especially as the dialectic expands.

Rejecting both partisanship and irrelevance, the military must find the norms of its action in this ambiguous and volatile context. Thus, even though the military de facto participates more and more directly and publicly into the dialectic between friend and enemy, soldiers must be aware of the increased political impact of their public statements. Although the military, both in France and the United States, is highly trusted by the people it is serving, this trust depends on the military's ability to protect the people. In other words, the military's role in the friend and enemy dialectic, although today more visible by the public, is also bounded by the dialectic. From this perspective, our times require that soldiers have an increasingly higher political insight and awareness.

<center>The Soldier, the Public, and the Private</center>

<u>Globalization</u>

Globalization inevitably influences the relationship between public and private. As for the friend and enemy relationship, globalization adds ambiguity to the dialectic.

Throughout history, the friend and enemy dialectic has taken several forms. Enmity existed between princes in the 17th centuries, subsequently between nations in the 19th and 20th centuries. The reasons to wage war were, in a way, more evident. Since the Cold War, and increasingly since its end, enmity appears to be between societies. As

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a consequence, armies are not only fighting for the preservation of a territory but directly for a certain idea of society with all the discretionary implications and values that the idea possesses. Interests that previously were clearly expressed have become merged into a cluster of public and private interests difficult to distinguish. During the Cold War at least, the communist threat was important enough to be clearly identified. But as threats have become less evident, reasons for war have become more controversial. In other words, war is more subject to political debate. "How beautiful was the West under Brezhnev!" wrote a French philosopher,[110] stressing how painful it has become to justify war since the fall of the mortal communist enemy. For the last decades, some would argue, the American way of war aimed at supporting the American way of life rather than protecting a country whose existence is not existentially at stake.[111] Global war, in a way, served global leadership. Similarly, while some would argue that France had some interest in the Ivory Coast or in Libya, there is no doubt that neither Ivory Coast president Gbagbo nor Libyan leader Gadhafi seriously jeopardized France's future. For the last two to three decades at least, armed commitments were arguably waged for other reasons than for the people's vital interests. Sometimes it was for interests of power. Sometimes, like Martin Cook explains in the case of Kosovo, or more recently in the case of Libya, it was for idealistic humanitarian interests.[112] Still, if not motivated by a vital interest, the content of military operations for the last decades increasingly appears attached to

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[110] Andre Comte-Sponville, *Le capitalisme est-il moral?* (Albin Michel, 2004), 78.

[111] Bacevich, *Breach of Trust*, 43.

[112] Martin Cook, *The Moral Warrior* (Albany, NY: State University of New York Press, 2004), 151-159.

particular policies, hence motivated by many interests other than purely public ones. Certainly, countries have often waged wars for interests of power. However, before the 1960s modern democracies required political leaders to participate in open debates over the decision to wage war. This process was sometimes long, but it was also a key element to clarify the reasons for war and ensure the people's support. It took three years to the United States to enter World War One, and two years and a direct aggression from Japan to enter World War Two. In France, political figures advocating against war before 1914, such as Jean Jaures, were among the prominent personalities on the political stage. After World War II, war in Indochina and Algeria provoked an important popular and political debate in France. For the last three decades, while the military tool has been increasingly used, the political debate over military intervention has occurred after the decision to intervene had already been made. In other words, the decision making process over the use of the military tool has increasingly taken the aspect of a *fait accompli,* discussing only the quantity and type of military assets to employ. Hence, one operation after another, people paradoxically got used to accept military operations which goals have not been clearly discussed and defined.

Controversies and suspicions over the reasons to wage military operations are also increased by the importance of private funding which further penetrates public and political actions. Some private investors directly support terrorist activities. Others directly fund public policies through new public and private partnership. The new "French Pentagon" for example is being built through private funding for a total cost of 3.5 billion euros to be paid over a nearly thirty year period of time. In the globalized world, interdependence between public and private has grown. Some activities, which

were before perceived as being the reserved domain of public action, are now externalized to private or semi-private entities. Monopoly of violence no longer defines the state as it used to.[113]

Accordingly, war, previously considered as a purely public domain, has also become more privatized. New army models support that trend. Reduced formats, permanent operational commitments, and modern technologies increased the need for expertise and long career enlisted soldiers. As a result, the military has become further specialized by branch or weapon systems and has externalized as many activities as possible. "As of March 31, 2010, the United States deployed 175,000 troops and 207,000 contractors in Iraq and Afghanistan. Contractors represented 50 percent of the Department of Defense workforce in Iraq and 59 percent in Afghanistan."[114]

It is not the purpose of this monograph to weigh the pros and cons of externalization and private contracting. As a matter of fact, the involvement of private companies at such a level has redistributed the responsibilities between the different stakeholders, consequently changing the way they act and are perceived. Private contracting strongly influences a strategy. Lacking strategic air capabilities, French armed forces for example increasingly depend on the availability and will of the few private companies able to provide air transportation for key assets such as armored

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[113] Weber, *Le savant et le politique*, 125.

[114] National Defense University. Strategic Forum Paper #260, "Private Contractors in Conflict Zones: The Good, The Bad and the Strategic Impact," by Col. (Ret) T. X. Hammes, 8 September 2010. Quoted in United States Army Command and General Staff College Force management lesson: Operational Contract Support-Reading F106RB.

vehicles or combat helicopters.[115] In Afghanistan similarly, contracting the formation of the Afghan police simply took a key element of the military strategy out of military hands. "In short, the commander lost control of one of the critical elements of his counterinsurgency campaign at a critical time—and there was nothing he could do about it."[116] Ultimately, where private involvement stops and what types of interests subtend the current operations are critically important issues.

As the public and private dialectic further penetrates the sphere of war, the army's involvement also becomes questionable. For what type of interests is the soldier fighting for? "Despite Eisenhower's admonitions, the cluster of interests representing members of Congress and their financial supporters, the military services, universities, think tanks, and the defense industries has dramatically reshaped the nation's political, research, economic, and strategic landscapes. So we need more sophisticated tools and theories for controlling these interests and managing the conflicts of interest."[117] The decision to wage war may remain largely political, but the direct involvement of private interests affects the soldier's image. The increased involvement of private actors does impact national and international support to operations that are perceived more partisan and motivated by "bargains" at political levels rather than by the pure public interest. What

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[115] Philippe Chapleau, "*Antonov et Iglouchine sont les deux mamelles des OPEX,*" Ligne de defense-Ouest France, June 6, 2014, accessed February 15, 2015, http://lignesdedefense.blogs.ouest-france.fr/archive/2014/06/25/antonov-et-iliouchine-sont-les-mamelles-des-opex-francaises-12062.html.

[116] United States Army Command and General Staff College, Force Management Lesson: Operational Contract Support-Reading F106RB.

[117] Mark. R. Shulman, *Lead Me Follow Me or Get Out of My Way: Rethinking and Redefining Civil-Military Relationship* (Report, Strategic Studies Institute US Army War College, 2012), 34.

were the reasons for the second war in Iraq? The official rationale at that time referred to terrorism and weapons of mass destruction and was already controversial. Today some analysts and officials refer more simply to oil.[118] Who is right is not our focus here. These controversies about the legitimacy of the war in Iraq, however, remain meaningful to the dialectic. Eventually, the people and their soldiers end-up doubting the legitimacy of operations if initial motives and actual modalities are not crystal clear.

When Law Blurs the Lines

The judicial field has added complexity to the public-private dialectic. In both France and the United States, the limited control and liability of private agents overseas, the amount of money contracted by the defense administrations, and some well publicized investigations around the questionable transparency of some contracts have undermined public trust. In the public eye, armed contractors acting at the margins or beyond the law in instable environments, can hardly enjoy the same legitimacy as a uniform and a flag provide to soldiers. Often perceived as unaccountable groups, their close ties with public institutions can result in conflict of interests, this being true both in the host nation and in the homeland's public eyes.[119] Overall, these perceptions can

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[118] Antonia Juhasz, "Why the War in Iraq was Fought for Big Oil," *CNN*, April 15, 2013, accessed March 20, 2015, www.cnn.com.

[119] The links between KBR and vice president Dick Cheney is often mentioned as an example. On that matter we can refer to Angelo Young, "And The Winner For The Most Iraq War Contracts Is . . . KBR, With $39.5 Billion In A Decade," *International Business Times*, March 19, 2013.

seriously undercut the legitimacy of both the host nation and the French or United States government.[120]

Conscious that private contractors must be accountable and willing to give to their military employers a fair means of discipline on the battlefield, the United States Congress decided in 2007 that military contractors in combat zones are subject to the Uniformed Code of Military Justice. Private contractors in Afghanistan can be court-martialed in the same way a soldier can.[121] As a soldier, the contractor can carry a weapon and sometimes wears a uniform. As a soldier, he can be assigned a logistic mission and conducts real combat operations. With helicopters, planes, drones, and ships, some private companies really look like small armies or militias. In fact, many contractors are ex or retired military. Ultimately, one could legitimately ask, what differentiates the senior armed contractor from the soldier except perhaps age, pay, and the fact that one of them did not get through the last promotion board? On the battlefield, is law still able to distinguish between the public and the private?

Interestingly, regulations voted in support of counter terrorism policies also blur the lines between combatant and non-combatant spheres. Under the United States Patriot Act a substantial part of the privacy domain fell under public legislation. In early 2015, similar terrorist attacks produced similar reactions in France. Right after the terrorist

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[120] United States Army Command and General Staff College, Force Management Lesson: Operational Contract Support-Reading F106RB.

[121] Marc Lindermann, "Civilian Contractors under Military Law," *Parameters* (Autumn 2007): 83-94, accessed February 13, 2015, http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/07autumn/lindeman.pdf. See also Rod Powers, "Civilian Contractors now Subject to the UCMJ," accessed February 13, 2015, www.aboutcareers.com.

attack on Charlie Hebdo's headquarters, demands arose for stronger legislation in support of counter-terrorist investigations. After a few weeks however, France decided to postpone the adoption of Patriot act style legislation, estimating that current legislation was sufficient[122] and deciding that what the U.S Patriot act had become would not be a good choice for France.[123]

The French government also faced stronger opposition from civil society than the United States after 9/11. Between 2001 and 2015, according to the French ministry of defense explanations,[124] people around the world gradually began to question such legislation, its extension and extensive use. As the friend and enemy dialectic led the military to search more directly for terrorists in the homeland, the former became concerned with things previously considered to be purely private. Edward Snowden's revelations and the Echelon affair, among others, also high lightened some of the second and third effects of counter-terrorists policies. The activities of the intelligence and military cluster and its support for counter-terrorist legislation for the purpose of war became progressively perceived as partisan, hence very controversial. In 2011, for

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[122] In November 2014 and without any additional law, Paris tribunal was already able to prosecute and condemn two citizens without any actual crime but as a preventive action. Revue Defense Nationale, "4 ans de prison pour une idée: bienvenue en France!", December 2014. See also Sylvain Mouillard, "*Flavien et Farid, les apprentis jihadistes au tribunal*," Liberation, October 18, 2014.

[123] Le Figaro, *Taubira: la France n'a pas choisi le "Patriot Act",* February 10, 2015, accessed March 26, 2015, http://www.lefigaro.fr/flash-actu/2015/02/10/97001-20150210FILWWW00024-taubira-la-france-n-a-pas-choisi-le-patriot-act.php.

[124] Ibid.

instance, an analysis of the data from investigations under the sneak-and peak[125]

provision of the Patriot Act showed that less than 5 percent of the requests actually dealt

with terrorist cases.[126] With the explosion of intelligence bureaucracy, United States

analysts increasingly point to excessive militarization[127] of United States society under

the "Pentagon's aegis."[128] Some retired officers and political figures, like former Defense

Secretary Robert Gates[129] have also expressed concerns about such trends.

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[125] A sneak and peek search warrant is a warrant that authorizes a police officer to physically enter into private premises without the owner's or the occupant's permission or knowledge to conduct a search of the premises. Generally, such entry requires a breaking and entering. However, this warrant does not authorize law enforcement officers to seize any property from the premises. A sneak and peek search warrant is also termed as a covert entry search warrant or a surreptitious entry search warrant. Such warrants are especially beneficial to illegal drug manufacturing investigations because they allow investigative teams to search the premises for chemicals and drug paraphernalia. Definition "Sneak and Peak," accessed February 13, 2015, www.uslegal.com.

[126] Radley Balko, "Surprise! Controversial Patriot Act Power now Overwhelmingly Used in Drug Investigations," *The Washington Post*, October 29, 2014, accessed February 13, 2015, http://www.washingtonpost.com/news/the-watch/wp/2014/10/29/surprise-controversial-patriot-act-power-now-overwhelmingly-used-in-drug-investigations/.

[127] A. B. O'Connell, "The Permanent Militarization of America," *New York Times*, November 4, 2012, accessed December 11, 2014, www.nytimes.com.

[128] Tom Engelhardt, "The Military's Stranglehold on America," Mother Jones, July 5, 2012, accessed February 14, 2015, www.motherjones.com.

[129] Michael Gerson, "Robert Gates Memoir is not the Problem," *The Washington Post*, January 16, 2014, accessed December 11, 2014, www.washinngtonpost.com. See also Robert Gates, "The Quiet Fury of Robert Gates," *The Wall Street Journal*, January 7, 2014, accessed February 14, 2015, www.wsj.com.

With the support of law, private interests eventually seem to penetrate more and more policies, defense policies along with others, often to the detriment of public interest.[130]

Has the Army Turned "Private?"

With the expansion of professional army models, the traditional link between the people and the armed forces had to be redefined. While soldiers today obviously remain citizen-soldiers in the legal sense, the traditional figure of a citizen-soldier has been challenged. In the United States, the citizen-soldier who rallies to the colors during a time of war, yet maintains his essentially civilian outlook, has gone.[131] Instead, although contrary to the American tradition, the people have accepted maintaining large standing armies composed of long term enlistees. Similarly, in France, the myth of the people in arms that had founded the republican ideal since the 1789 Revolution and had translated into conscription, was challenged. "During the old times, every warrior was a citizen and every citizen a warrior."[132] The democratic idea of the people's army, by the people and for the people, had to be redesigned.

The all-volunteer long term enlistee army model has become the standard among modern democracies. Certainly it is more "rationalized" and more disciplined. At the beginning of the 1970s, both the French and United States armies were by and large

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[130] Bacevich, *Breach of Trust*, 120-123, and 191. One could also refer to the Westhusing case described on p133, which shows how private interests intermingling with military operations, could lead officers to deep introspection and sometimes to suicide.

[131] Owens, *US Civil Military Relations after 9/11*, 128.

[132] de Vigny, *Servitudes et grandeurs militaires*, 39.

discredited in the public eye. Indeed, Viet Nam had brought to the Unites States Army's reputation some of its most inglorious titles such as dissent, bounties, evasions, riots and murders, racial incidents and drugs.[133] At the same time in France, the failed military putsch of 1961 and the rise of a secret terrorist army on the ashes of the Algerian war triggered political purges amongst officers. The participation of the armed forces in the May 1968 riot control operations finally consolidated the growing distrust between civil and military society.

The all-volunteer military, from that perspective, helped to address these problems. Cleavages along the chain of command that had once undermined armies' legitimacy and image disappeared with the expansion of the military professional and all volunteer model. With this, the idea of a profession composed of military experts enjoying autonomy in exchange for obedience and political neutrality increased as this professional army model, and Huntington's theory spread. As Andrew J.Bacevich notes with sarcasm, "an army that in the 1960s had been politically radioactive became politically inert- of no more importance in national politics than the Bureau of Indian Affairs or the Forest Service."[134] Foreign policy and the decision to deploy troops no

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[133] "All the foregoing facts- and many more dire indicators of the worst kind of military trouble- point to widespread conditions among American forces in Viet Nam that have only been exceeded in the century by the French army's Nivelle mutinies of 1917 and the collapse of the Tsarist armies in 1916 and 1917." For a good overview on that matter see Robert D. Heinl Jr, "The Collapse of the Armed Forces," *North American Alliance Newspaper*, quoted in H306RA, US Army Command and General Staff College, Department of History.

[134] Bacevich, *Breach of Trust*, 79.

longer require the people's involvement nor the people's approval. More than ever, the use of military force is the President's private domain.[135]

Throughout the 20th century, the state had to rely on public support and a/the? war economy to sustain the fight on the frontline. In today's France, despite the official budget solidarity between departments, additional military deployments are mainly financed internally by the Defense Minister.[136] The budgetary efforts required for new military operations actually fall on defense's shoulders, making the decision to wage a new "war" somehow politically transparent. Similarly, some American analysts argue that the people supported the Global War on Terrorism under the implicit agreement that the people would not be affected , not pay and not bleed.[137] Because it came along with some sacrifices for the people, war was previously public. Today, some senior officers regret that citizens no longer "have skin in the game."[138] Meanwhile, in France, journalists highlight a Republic that has become monarchical[139] with the support of a current Constitution that, according to one of France's most famous political figures, François Mitterand, was deliberately written to allow a permanent "coup" from the

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[135] Le point, *Qu'est-ce que le domaine réservé ?,* April 21, 2011, accessed March 26, 2015, www.lepoint.fr,

[136] Le Point, *Centrafrique, Mali: le délicat financement des "opex" de l'armée française*, December 12, 2013, accessed February 14, 2015, www.lepoint.fr.

[137] Bacevich, *Breach of Trust*, 1.

[138] Matthew Harwood, "Why Bringing Back the Draft for Military Service would be a Disaster," *The Guardian*, July 11, 2012, accessed February 14, 2015, www.theguardian.com.

[139] Mediapart, *la Republique monarchique*, May 23, 2013, accessed March 13, 2015, http://blogs.mediapart.fr/blog/vingtras/220513/la-republique-monarchique.

president.[140] Whether these analysts are right or wrong is not the focus of this thesis. The fact that such analysis can find an audience within both the public and the military clearly indicates a level of distrust, or at least of misunderstanding, which is somehow incompatible with healthy civil-military relations.

Who can still make the Difference?

The advent of the infosphere has finally contributed to blur a little more the lines within the dialectic. With the development of information technologies, internet and social networks, what was previously private turned public. War and its protagonists penetrate the non-combatant's life. After radios and televisions, politics further infiltrates intimacy supported by connected platforms such as cellphones, watches and connected glasses! Conversely individual opinions, previously a private domain, have become increasingly publicized. As every other citizen, deployed and non-deployed soldiers now expose more and more of their personal thoughts and actions. On networks used by all types of actors under a certain code and language such as Twitter or Facebook, it would sometimes require the talent of an oracle to distinguish the private from the institutional communication.

Preliminary Conclusion about the Public and Private Dialectic

The public and private dialectic is definitely tinged with ambiguity. In the democratic tradition, war is waged by the people in the people's interest. When it is not waged partly by private companies, war today increasingly appears to be somehow

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[140] Francois Mitterand, *Le coup d'etat permanent*, Les belles lettres, 1964.

sequestered by a "small club".[141] It has become the business of a few military professionals, said to be separated from society by a growing gap,[142] as well as officials who are themselves both constrained by electoral agendas and surrounded by a non-elected bureaucracy.[143] All of these actors being more active in the infosphere as the prominent tool to exist, understand and dominate.

Influencing emotions, previously a purely political course of action, has become a natural task for military institutions routinely requested to support official narratives that are neither stable nor politically neutral. In a somehow strange shift of roles, the use of the military tool seems to be de-politicized while men and women in uniform are increasingly committed on the political stage for the purpose of war. Meanwhile corporate interests, from private companies or from corporations within the military, further penetrates military actions. Ultimately, the citizen should consider the risk that armed operations and the military in itself become more and more "privatized". Increasingly presented as technical and neutral expert, the soldier would then serve as a foil, to the great discredit of the serviceman and to the detriment of the people.

Certainly, as the defender of public institutions, the soldier's duty is to follow the orders of the chain of command up to elected leaders. Concurrently, the soldier must also be loyal to the people because the military's existence ultimately depends on the political will of the people to exist as a collective entity and because the people remains the client

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[141] Bacevich, *Breach of Trust*, 148.

[142] Peter Feaver and Richard Kohn, *Soldiers and Civilians: the Civil-Military Gap and American National Security* (Cambridge, MA: MIT Press, 2001).

[143] Gates, "The Quiet Fury of Robert Gates."

of the military profession. Ultimately, and as George C Marshall explained, the military profession rests indeed on the sentiment of the people. The recent Arab Spring offered us a vivid picture of the importance of the military's ability to stand on the side of the people.

In 2008, an anonymous group of high ranking French army officers named Surcouf denounced in the newspapers the downgrading of the French military caused by budget cuts. Similarly, in March 2012, another group of anonymous French officers named Janus published an article in which they advocated for the creation of a national guard, underpinning that the active duty military was neither designed nor able to carry out its mission within the national territory.[144] In both cases, and according to the conclusion of this chapter, the anonymous character of such public statements can only introduce a breach of trust in the reader's mind on whether those officers are advocating for corporate interests or actually serving a higher public cause. Indeed, if the higher interest of the people is at stake, there should be no good reason not to sign the article.

While the new context in which the military operates is marked by an increased ambiguity within the public and private dialectic, the soldier's role remains to protect the public interest at the expense of the private one. Therefore, the military's participation to politics is also bounded by the public and private dialectic, and by the military's role within the dialectic. The soldier's advice and action, from that perspective, should never be technical or corporate. On the contrary, the soldier should tailor his interactions with

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[144] Le monde, *Janus et la garde nationale*, March 25, 2012, accessed April 5, 2015, www.chauvancy.blog.lemonde.fr.

the civilian authority in order to inform the public and to confirm, understand and integrate the people's interest.

The Soldier, the Command, and the Obedience

<u>Globalization</u>

Along with other domains, globalization has impacted the command and obedience relationship. As his fellow citizen the soldier now belongs to more and more various groups throughout his life. The traditional loyalties a man would make for his family and his country may no longer be as exclusive and supreme as Liddell Hart suggested.[145] As a result of globalization, chains of command also, in a way, turned global and plural.

New chains involve, more often than not, other nations and other departments and consequently the command and obedience relationship becomes a highly political matter. Operational organizational charts reflect this ambiguous reality. At United States Africa Command the ambassador works for the military operational commander while in other places the military supports the ambassador.[146] In one location a country's military has the lead while in another it is in a supporting role. Today's soldier is often deployed under a mandate which is the product of multinational agreements in international forums. On the same territory, fellow nationals may operate under several and different operational commands. On the same multinational organigram, fellow nationals may also

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[145] Liddell-Hart, *Strategy*, 217.

[146] For instance the deputy to the Africa commander for civil military engagement is an ambassador. See United States Africa Command, "Leadership," accessed February 25, 2015, http://www.africom.mil/about-the-command/leadership.

operate under different mandates, one national and one multinational. In the end, the soldier sometimes struggles to understand the consistency of those chains of commands and could genuinely wonder "who are we dying for?"[147]

Over time, chains of command have also become less stable. In 2013, the French navy was concurrently involved in counter-piracy operations in the Gulf of Aden with three different coalitions (Combined Maritime Forces, NATO and EU Naval Forces). Over a given period of deployment the same crew would switch several times from one coalition to the other depending on operational but also political requirements. Soldiers have indeed left the cut and dry era of national military hierarchy for the rough waters of multinational networking and lobbying. "Who is in charge?" and "who is in the picture?" have become central questions and sometimes, pessimists would argue, the only question. Rather than military necessity, some military organizations clearly exist for political purpose. Created in 1989 in a highly symbolic attempt to settle political reconciliation and European integration, the Franco-German brigade has never been deployed. It is commanded alternatively by a German or a French general. Despite some attempt and the increasingly high pressure put on other brigades by operational requirements, the Franco-German brigade so far remains known as the brigade which will never be deployed nor dissolved.

Increasingly involved in multinational and multi-department operations, the military is increasingly involved in diplomacy and political bargains over force flow, equipment programs, or positions. In the 19th century, Napoleon restructured the military's organization to build a self-sustainable and autonomous chain of command

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[147] Emmanuel de Richoufftz, *Pour qui meurt-on?* (Paris: Addim editions, 1998).

under a single corps. This autonomous chain of command was to unify different assets and to guarantee military efficiency. Today, the chain of command is less than ever autonomous. Military matters are less central to victory. The latter depends more on negotiations, consensus, synchronized efforts, and comprehensiveness. Politics, therefore, occupies a central place in the command and obedience dialectic.

Infosphere

The figure of authority, admittedly, has changed and become more challenged. The evolution of society, the expansion of education, but also the mass media contributed to those changes. Political leaders have started to elaborate communication strategy to appear accessible to the people and the people have started to feel closer to politicians. Citizens have become used to watching their leaders on television or reading their interviews in the newspapers. Facebook, Twitter, disclosure of private life: political leaders today deliberately use the power of the infosphere to appear accessible. Eventually, people feel as if their leader is a peer.

As a result, leaders have naturally become less sacred figures. They have lost their part of the myth. In France, after the uprising of young generations against the traditional figures of authority that culminated in the May 1968 riot movement, authority became more questioned. Since then, leaders have tried to gain a legitimacy which before was more or less inherent to a position. The scope of the authority's power has also become a matter of discussion and negotiation. "It is forbidden to forbid" said the student's motto. Of course, the media contributed to this trend through investigations and disclosures of corruption or personal affairs. The military is no exception. Today, scandals about senior officers' affairs or corrupt behavior hit the front page as every other political figure's

misconduct would. Besides, military leaders themselves have become very active in the infosphere using similar communication strategies to influence those outside but also inside the military organization. Whether through social networks, blogs or video messages, the military today uses new tools to communicate along the chain of command.[148]

Overall, the respect for authority has certainly become less visible and less evident. In the realm of infosphere and individual freedom, relationships become virtual, and commitment volatile. Following authority has become, in a way, more a matter of choice rather than a way of life.

Professional Armies

The professional army was obviously consistent with society's desire to choose freely. However, the professional army model has transformed the command and obedience relationship in depth and beyond society's new paradigms.

With modernization and technological integration, the command and obedience relationship has evolved. As technology increased, relationships within the hierarchy became leveled and sometimes more virtual. First, units are generally smaller than they used to be. Second, commanders rely more on an expertise which is not a function of authority. In the modern army the expert is often an experienced private or non-commissioned officer. Last, technology has become a filter in the command and

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[148] For example, the French Chief of Staff of the Army uses a blog on the DoD internal networks to reinforce dialog and proximity between him and his subordinates. Similarly, messages which yesterday would have been delivered through the chain of command are now directly recorded on video and often available online. You tube gives a good overview of the use of civilian information technologies to broadcast general officers 'speeches or spread army training campaigns.

obedience relationship. When it is not purely replaced by indicators, the traditional

command dialogue is often supported or filtered by technologies such as teleconference,

live chat network, live videos of the battlefield or personal radio equipment; these

technologies obviously influence the way people interact.

With professional subordinates moreover, command is less than ever "just that,"

and leaders have had to learn how to retain a manpower which education and experience

represent a higher investment. Orders are no longer sufficient. Command has become

more than ever, a matter of managing,[149] persuading, and also a matter of

communication. Subsequently, military leaders must become as proficient at influencing

and convincing as they were at ordering. Command, in a way, requires more political

skills than in the past.

Because he is both professional and volunteer, the soldier is also expected to

behave as such or to resign. From that perspective the level of dissent the civilian

authority is willing to tolerate from the soldier they "hire" as in every other work force

has probably decreased. As a former advisor to the Secretary of Defense notes "most

people in the White House tend to think [of the civil-military relationship] in terms of the

employer-employee model."[150] In fact, if the United States military is now a profession, it

has been "structured as a hierarchical, public-sector bureaucracy and has been treated as

such all too often by those authorizing and sustaining such institutions."[151]

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[149] Huntington already described officers as "managers of violence".

[150] Brooks, *Obama vs. the generals*, 3.

[151] Don M. Snider, "Dissent and Strategic Leadership of the Military Professions" (Monograph, Strategic Studies Institute, February 2008), 14, accessed September 12, 2014, www.StrategicStudiesInstitute.army.mil.

<u>Back to the Infosphere</u>

Dissent also seems less tolerable because it is immediately publicized. Infosphere today occupies such a central place that it constantly impacts the political decision making process. While political campaigns have turned permanent, rumor precedes events in the competition for the next "buzz." Journalists, bloggers, activists and normal citizens report any facts and gestures that could expand their community of web "followers." Whatever happens, it is reported. Conversely, whatever is not reported simply must not have happened or it has become non-significant. In other words, what is not said publicly is simply not said at all or has no impact. Eventually, one could wonder, is there any possible dialog outside a mediatic one? Besides, the time that used to be dedicated for analysis, reflection, and iteration has mostly disappeared, engulfed by the immediacy of the media. The infosphere today selects which debate is to occur, shapes it, sets the timeline, and pre-judges the outcomes. In France, some analysts even consider that the infosphere operates as a new Leviathan.[152]

This new situation has renewed the command and obedience dialectic and, particularly, has stressed the question of the military obedience to civilian authority. The weight of the infosphere, the power of public opinion, and the media have indeed altered the civil-military dialog whose reality also used to depend on privacy. In fact, the infosphere has enhanced the mediatic and political echo of disagreements between top military and civilian leaders that has often existed. Consequently, the sensitivity of leaders around disagreement has risen. Still, the fact that disputes have become more publicized should not necessarily be considered bad in democracies that rely on debates.

[152] Hude, *Democratie durable*, 311.

Open disagreement and vigorous public debate is better for democracy than covert

disagreement or non-transparent policy making. Without public debates that settle

disputes and permit the solution to emerge, some questions remain pending. Is the

political power really following the people's will and acting in the interest of the people

or is it driven by a public opinion which has, itself, succumbed to the pervasive power of

the media? How representative of the people is a head of a state supported by an average

15 percent of the population?[153] To what extent are our strategies connected to our goals?

To many soldiers, educated in obedience and abnegation, these questions appear

the beginning of sedition. Indeed, the political leader decides and the soldier must

execute. Unfortunately, as the soldier fears to express divergent opinions that would

immediately translate into a mediatic affair, he no longer develops his strategic thinking.

In France, he will then be "for" the military intervention in Afghanistan, "against" the

war in Iraq but "for" the bombing of Libya, "for" the reintegration of NATO's military

command, "against" intervention in Syria. In a way, the question of the sustainability or

of the relevance of those successive postures have simply become irrelevant to him,

because his role is to obey. At the beginning of the 21st century, this situation has

translated "into disconnected policy and strategy by a resounding lack of discourse in

policy and strategy making."[154] It has led, in other words, to the military's political

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[153] This is a reference to the low popularity of the current French president visible here: http://www.tns-sofres.com/dataviz?type=1&code_nom=hollande. However, the question remains generic and may apply in other contexts.

[154] Lieutenant Colonel Chris Hart, "21st Century Civil-Military Relations: Disharmony and Dysfunction" (Strategic Research Project, US Army War College, 2013), 10.

illiteracy. As Kant warned us, freedom of expression is the condition essential to the depth and the quality of thought.

In the second half of the 20th century, one could understand the importance given to the problem of the civilian control of the military. The emergence of the Nuclear Age, along with well-known dissent, such as the MacArthur case, or the failed French military putsch of 1961, supported the necessity to reinforce obedience. At that time, the military's voice threatened the national cohesion. Today, it seems that the absence of public military voice sometimes threatens the military's cohesion. When the military remains silent, blogs, newspapers, or proxies increasingly begin to talk. The revolt of United States retired generals or the anonymous group of French officers "Surcouf" are some examples.[155] If the command and obedience dialectic has always been part of the military's dilemma, the media's ubiquity stresses relationships along the chain of command from the bottom to the top. When the military supports and implements ineffective strategies or non-strategies,[156] trust inevitably comes under high scrutiny. Silence is not necessarily politically neutral. It can also be partisan.

Law does not Clear from Responsibility

Are drone strikes or Guantanamo detentions legitimate? Is the downsizing of the military in the people's interest and until when? Shall the armed forces strike nationals

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[155] On June 19, 2008, a letter signed by a group called Surcouf was published in the French newspaper Le Figaro. In this letter, anonymous officers directly criticized the orientations taken in the last strategic review, arguing that these decisions would lead to the downgrading of the French defense forces.

[156] In August 2014, United States President Obama's stated "we don't have a strategy yet" while air strikes were already ongoing against ISIS in Iraq.

outside of the territory? As contracts and regulations increasingly bound human activity, the limits of legislation are often forgotten. The primary Hobbesian lesson, that founds legislation upon political power, has been forgotten. Hence, one finds oneself without relevant intellectual resources when confronted with political problems. Indeed, law does not inform the soldier precisely on decisions that are beyond law's competence for they belong to the realm of politics. From that perspective, turning political problems into legal ones is often the best way not to solve them. If the command and obedience dialectic is to be a political matter, as this thesis suggests it should be, then the answers brought by law can only be limited.

Law indeed fails to draw a definitive line between legal and illegal dissent. French law and tradition refer to the "reserve" with which a soldier is to express himself without defining clearly the perimeter of this "reserve."[157] In the Unites States Unified Code of Military Justice, similarly, "the reach of article 88 is not entirely clear"[158] and "sets out a broad prohibition against the use of contemptuous words"[159] without clarifying what those words cover. In a way, law deliberately leaves the question unsolved; only asserting the imperative of "political neutrality."[160]

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[157] According to article L4121, personal opinions are free but military service members must express their opinions outside of the service and with "the reserve" that is compatible with their military status. This reserve, however, while applicable to all means of expression and in every situation, is not further defined in legal terms.

[158] Colonel Jeremy S. Weber, "Political Speech, The Military and the Age of Viral Communication," *The Air Force Law Review* 69 (2013): 106.

[159] Ibid.

[160] For France see *Code de la Defense*, art 4111 on the general status of the military. For the US see Weber, "Political speech," 102.

However, how could a military force be completely politically neutral? In the United States, "the contending concerns of free speech versus an apolitical military under civilian control have produced a stalemate for decades where the military retains political speech restrictions but exercises great restraint in how it enforces these restrictions. In part, perhaps, this restraint has convinced the courts to allow the restrictions to remain in place despite the scrutiny commentators have given them."[161] In a decision dated October 2, 2014, the European Court for Human Rights condemned France for disrespecting the military's fundamental rights. What the Court condemned, though, was not the restrictions *per se*, but the fact that those restrictions were so broadly defined that they led in effect to the military's inability to defend its own material and immaterial interests.[162] By not being properly limited, restrictions end up being pervasive and ultimately somehow oppressive.

Before being legal, the restriction on freedom of speech is a moral matter. From that perspective also, law's support can only be limited. Law may protect the military from certain legal liability. However, it does not clear soldiers from their responsibility. What is legal is not necessarily moral. As any other leader who implements political decisions, the soldier is in solidary with the policies implemented. His responsibility grows with his rank. When it comes to ethical questions, law fails to clearly inform on the critical breaking points. One cannot constantly hide behind the service and the obedience requirement to clear oneself from one's responsibility to think. Otherwise, as Hannah Arendt would argue, Eichmann would have been left free from any charges, and the

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[161] Weber, "Political Speech," 134.

[162] Chapleau, *Arrets de la CEDH* and *Apres les arrets de la CEDH*.

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military could also set up programs for the use of controlled torture in support of counter-terrorists operations.

Preliminary Conclusions on Command and Obedience

If command is perceived as more difficult than previously thought, it is because obedience is less evident. As the latter became rather a matter of choice, the former has turned into an art of management and persuasion. Concurrently, the infosphere has increasingly publicized debates that were previously part of the normal private dialogue between civil and military leaders, increasing the political cost of any argument. At the same time, the professionalization of the soldier has supported strictly obedient behavior. The people however, still expect the military to assume its responsibility.

There is, indeed, an expectation for the soldier's discretionary judgment.[163] It assumes an actual dialogue, and consequently the right to disagree. Here rests basically the difference between disagreement and disloyalty. There may be, all too often, confusion between both which leads to confusion between obedience and discipline. Discipline is active and refers to the agent's capacity to take initiative in a designated space. Obedience is passive and reproduces patterns but produces nothing new. While discipline is dynamic and assumes risk, obedience favors risk averse behaviors and supports the perpetual reproduction of conventional ideas by people who will soon become more interested in conforming themselves to the mainstream for the purpose of enhancing their own careers. Between both rests the freedom of the agent committed to the chain of command, whether military, civilian, or hybrid. Without the freedom to

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[163] If anything else, ADRP 1 section 1-9 in fact mentioned that "The professional's actual work is the continuous exercise of discretionary judgments."

dissent there is, indeed, no real discipline and consequently, no space for talent, courage, and change. From that perspective, one can only respectfully disagree with Huntington when he asserts that obedience is, along with loyalty, the highest military virtue.[164]

At the political level indeed, the purpose of healthy civil-military relations is not to have a linear and smooth process but to produce an effective strategy for the country. Hence, the disappearance of the military from the political stage in the name of the military's "public obedience" to civilian authority may be a convenient expedient but it also includes a risk. It buys intellectual peace at the expense of intellectual alterity. Thereby, it precludes any dynamic and it denies the fulfillment of real discipline. It deprives the Nation of a free debate on vital issues. It enables both the people and their leaders to lose interest in key issues, and to develop? arbitrary strategies that are vulnerable to the most narrow interests or lazy routines. Finally, it falsely clears leaders, either political or military, from their responsibility toward their subordinates and toward the people.

In the same time, the military must understand what discipline demands. In March 2013, a group of French army lieutenants directly and publicly denounced the "decline of the French Army" advocating for rearmament of the country and denouncing military corporations that block necessary reforms within the army. Although French governments have been repeatedly dedicating a substantial part of the public budget for defense purposes, the group of officers attributed the decline of the armed forces to mismanagement from high ranking officers and lack of interest for military things from

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[164] Owens, *US Civil-Military Relations after 9/11*, 66.

the civilian leadership, bringing an inacceptable discredit upon the entire chain of command.[165]

Beyond passive obedience, discipline requires indeed that the military be highly and actively committed to loyalty to the chain of command. While pro-active discipline enables the military to take initiative, this freedom of action is bounded by the commander's intent. This is why disciplined initiative is at the heart of the United States army mission command philosophy, and why trust is similarly central to the way the French army considers and teaches the command dialogue. Finally, this is why the ability of the military to embrace the civilian authority's vision is critical.

Therefore, if the soldier must be able to actively participate in the public dialogue for the edification of the country's sound strategy and for the purpose of enhancing the quality of the political debate, the soldier must acknowledge also that his public participation is bounded by the higher respect and loyalty to the chain of command that discipline requires down from the new enlisted up to the civilian authority.

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[165] The group of officers claimed to be part of a movement called March Bloch, in the name of the French officer and historian who wrote *The Strange Defeat,* in which he depicts the atmosphere of defeat and passivity of army staffs during the summer 1940 battle of France. See Le Monde, March 7, 2013, www.lemonde.fr.

CHAPTER 5

CONCLUSION

> But let us never forget that our way of life, our vision and all we hope to achieve, is secured not by the rightness of our cause but by the strength of our defense. On this, we must never falter, never fail.
> — Margaret Thatcher, the Bruges Speech, September 20, 1988

The aim of this chapter is to translate the preliminary conclusions from previous sections into a final conclusion. Ultimately, the conclusions should give an analytical answer to the primary research question: To what extent can the military participate in national decisions which have political implications?

Before exposing proper conclusions and support a final thesis, it is useful to draw two main lessons that emerge from this study.

First, the three fundamental political dialectics are at the heart of a soldier's life and of a soldier's vocation. The soldier, no matter the army and the time in history, finds himself embedded in the reality of the confrontation between friend and enemy. To survive in this precarious situation, he relies on solidarity derived from a chain of command and obedience that creates discipline and order out of chaos. In the name of this solidarity, and for the survival of the group, the soldier deliberately puts public interest before his own and puts his life at stake. If the three dialectics are to represent the essence of politics, as Freund suggests, the soldier's existence is "blended" in it. His own nature becomes political. In a way, this just re-affirms what many thinkers have already emphasized. This is a concrete translation of what Clausewitz described as the unified nature of the political and military action.

Second, the three dialectics are in constant evolution, producing infinite variations of tensions and transient balances. Accordingly the expression of political action, of victory, and of military action are constantly evolving. This is true for the military as it is for diplomacy, economics, culture or any other sphere of political action. No domain could claim to be purely political, purely military or purely economic. If the military profession has a legitimate autonomy because of its particular expertise, this autonomy can only be limited. Strategy remains, more than ever, the art of harmoniously articulate the use of different instruments for the purpose of confrontation and the achievement of the political end. Hence, formulating a national security strategy remains a political discussion in which military personnel have to be able to actively participate.

Consequently from these two points, no clear boundaries can be drawn between what would be considered the military domain and what would be considered politics. The boundaries to the military's action are evolving. Such that there could be no formal model for civil-military relations in the way people usually consider them. That is to say, there is no static theory that would be the product of a science of civil-military relations. If there are any "models," they are circumstantial, particularized and related to situations, times, culture and men.

Thus, if the military is to have a greater voice in the public national security dialogue, soldiers must find some guidelines to inform their behavior. While the dialectics guide the military on its political role, they provide also the framework in support of the soldier's judgement. In other words, if the quality of the public debate is defined by the quality of the dialectics, then the military's intervention in the public debate is logically bounded by these same dialectics.

Friend and Enemy

While the military domain is definitely related to the friend and enemy dialectic, the military only embodies a limited part of this dialectic, even though the highest on the ladder of hostility. Indeed, the military's expertise is usually limited to armed or potentially armed confrontations, and to confrontations outside or at the borders of the national territory. Thus, the soldier's participation in the public debate is bounded by his legitimacy in the field of armed and external enmity. In other words, the military shall not participate in public debate between non-violent factions internal to the country, such as political parties or religious groups, even when these debates deal with extremists groups. If specifically asked to participate in debates that are beyond his legitimacy, the soldier must relate its participation to the military's field of expertise. For instance, the French military has only a limited legitimacy to debate publicly Islamic extremism in France. If the French military is specifically asked to participate in such public debate, meeting a popular expectation such as the demand that rose after the January 2015 Charlie Hebdo's attack, the military should not discuss the reality and strength of the Islamic phenomena in France, neither is the military to discuss internal policies to solve the issue. The military can, however, explain the links between the Islamic networks in France and other hostile networks that threaten French interests and nationals outside of the country. The military can also explain how it contributes, or can contribute, to national policies, for example by providing intelligence in support of other security forces. It shall always, additionally, stress the limits and risks, both technical and non-technical, associated with the use of the military tool.

Besides, the soldier must consider the second and third order effects of his direct participation in the public debate and tailor his contribution to mitigate the risks that his voice could strengthen enmity and weaken friendship. For instance, when Lieutenant General William G. Boykin, while in uniform and in active duty, publicly described the war on terrorism as a war between Christianity and Islam that had to be fought in the name of Jesus, there is little doubt that the general deserved the criticism he received from the political leadership for endangering the life of American soldiers deployed overseas.[166] Similarly, some declarations from military experts can undermine efforts made at the diplomatic level. For example, the declaration that retired United States Army Major General Robert H. Scales made on Fox News, during which he stated that the only way the United States can have any effect in Ukraine was by killing so many Russians that Vladimir Putin would have to change his policy, necessarily impacts the diplomatic stage and the way United States military personnel deployed in Europe consider their own action.[167]

Command and Obedience

If the command and obedience dialectic is at the heart of the soldier's life, the participation of the military into public life shall be compatible with the dialectic. The dialectic between command and obedience produces order. Then, the military's public

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[166] William Arkin, "The Pentagon Unleashes a Holy Warrior," *Los Angeles Times*, October 16, 2003, accessed April 3, 2015, www.articles.latimes.com; See also People for an American Way, "The Mythical Martyrdom of Jerry Boykin," accessed April 3, 2015, http://www.pfaw.org/rww-in-focus/mythical-martyrdom-jerry-boykin.

[167] Fox News Analyst, "Starting Killing Russians to save Ukraine," *Fox News*, March 11, 2015, accessed April 8, 2015, http://rt.com/usa/239633-scales-ukraine-kill-russians/.

voice shall not produce chaos. In other words, the public expression of soldiers is bounded, at least in its form, by the preservation of the strength of the chain of command and the promotion of discipline. In fact, senior military leaders cannot demand absolute obedience from their subordinates and yet demand a permanent right to dissent with civilian leaders. From this perspective, the degree of external dissent cannot be greater than the level of internal dissent tolerated.

First, the military ought to use a language that supports the integrity of the chain of command. The military's voice, therefore, shall not be used against individuals nor shall it be used in a way which could diminish the respect for official functions or positions. Second, public dissent should be rare. Indeed, if public disagreement was to become usual, it would affect in depth the chain of command.

It may be thought that there is a choice between loyalty and discipline. In fact, there is not such a choice and disagreement does not preclude discipline, neither does it preclude loyalty to the chain of command. Hence, the soldier, while expressing his voice, must also acknowledge his membership in a chain of command. From this perspective the military's public voice ought to be primarily carried by those high ranking officers who are given a formal task to represent the military, such as chairmen, in the case of the United States and for specific purposes, combatant commanders. However, subordinates shall still be able to publicly express their point of view as military individuals and experts. First, they can be tasked to do so either permanently as a spokesman, or occasionally because of their particular expertise. For instance, the French colonel Michel Goya, who also teaches at the political science institute of Paris, recently testified before the defense committee of the French parliament on the issue of a potential introduction of

trade union in the military.[168] Second, soldiers still have the right to use the public venue. However, if this point of view is not aligned with the official one, they ought to look for the chain of command's approval, advice or at least acknowledgement. Eventually, subordinates ought to consider their level of expertise with regard to the matter of the dissent, and compare it to other military individuals with a higher position in the chain of command.

Consequently, the venue for the military's expression ought to be in accordance with the existence of a formal chain of command. In others words, informal ways to express the military's voice, such as leaks to the press or rumors in the corridors of public institutions, shall be avoided as much as possible. Instead, the military institution shall prefer institutional venues, either private, professional, or public. In France for instance, the defense council offers a regular opportunity to express the military's point of view in the privacy of the presidential office. Professional venues, such as magazines or symposia, enable the military to participate in the public debate while limiting and selecting the audience. Finally, the military can use institutional public venues such as public reports and assessments or, for the most well-known, testify before Congress.

Further, the military's public voice is bounded in time. Indeed, when the decision has been taken, the purpose of the chain of command is to relay orders, and the military's duty is to execute orders. Consequently, public discussions about the effectiveness of a policy after the decision has been made can only undermine the strength of the chain of command and brings doubt to those military personnel who are implementing these

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[168] See the report form the French national assembly's audition of November 19, 2014, accessed January 5, 2015, www.assemblee-nationale.fr.

policies in ongoing operations. This does not preclude, later on, reviews of the effectiveness of a given strategy, and proposals for re-orientations. Formal reviews of operations, or informal writing of memoirs by retired military personnel, are some examples of adapted venues. However, when publicly reviewing the effectiveness of any given strategy or operation, soldiers must also publicly share their part of the responsibility. From this point of view, public dissents such as the revolt of the generals in 2006 during which six United States retired general officers criticized policies they had themselves helped to formulate can only discredit and weaken the chain of command.[169]

Public and Private

Finally, if one of the military's roles is to embody the highest degree of the sacrifice of private interests for public ones, military personnel ought to cautiously beware of potential conflicts of interests and tailor their public voice in accordance with public interest. Indeed, the military would be substantially discredited if it appears that the purpose of the military's public voice is actually to support corporate interest, or that military personnel are using the public stage to support their own careers. For example, and as for other civil servants, retired high ranking officers working for private companies which sector of activity is directly connected to the defense sector logically brings doubt on the probity of the policies and programs supported by these officers while in active-duty. Therefore, the military always ought to be transparent about the interests related to the military's public expression. Any perceived possible conflict of interest in the military's public expression would indeed undermine trust between the

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[169] Snider, *Dissent and Strategic Leadership of the Military Profession*, 2.

military profession and its client, the people. From this point of view, the use of proxies such as think tanks or retired officers to express dissenting positions is always somehow improper and shall not become the convenient and common custom.

The military's public voice, again, ought to be from those who exercise an actual responsibility because the value of the public voice is in relation with the responsibility, experience and character of those who carry the message. Occasionally, in case of dissent and if the dissent worse it, then soldiers ought to sign it. Anonymous articles in newspapers, social networks, and blogs undermine the weight of the opinion expressed, eventually discrediting the dissent. From this perspective, anonymous groups of French officers, such as Surcouf or Janus, or blogs in which military or ex-military personnel anonymously express themselves on institutional and political topics, are not adapted.[170] Soldiers also, when raising a dissenting voice, ought to have skin in the game.

So What?

The soldier has a political role. He actualizes the possibility of confrontation and he embodies the ordered collective will of the country to survive as a political entity, often at the expense of individual interests. Rather than clear limits, this role is delineated by moving boundaries and the limitation to the soldier's political commitment ultimately rests in the soldier's judgment.

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[170] In 2008, an anonymous group of allegedly high ranking French army officers named Surcouf denounced the downgrading of the French military caused by budget cuts. Similarly in March 2012, another group of anonymous officer named Janus published an article in which they advocate for the creation of a national guard, underpinning that the active duty military was neither designed nor able to carry out mission within the national territory. See Le monde, *Janus et la garde nationale*, March 25, 2012, accessed April 5, 2015, www.chauvancy.blog.lemonde.fr.

To inform his judgement on why, how and to what extent he shall or shall not publicly participate in the political debate, the soldier can rely on the three dialectics which provide the essence of the military's role on the political stage. First, one's position in the chain of command informs on whether one has or has not a specific legitimacy to represent publicly the institution. Second, one shall carefully consider the potential personal or corporate conflict of interests that could undermine one's participation in the public debate by discrediting one's message. Third, one shall consider the nature and the gravity of the issue for the security and the future of the nation.

While bureaucracies rely on clear regulations, the need for ethical guidelines beyond bureaucratic regulations is one characteristic of professions. Ethical behavior, indeed, is key to the trust on which the military profession depends. Rather than a granted status, keeping this relationship of trust between the military and the people is a dynamic and permanent challenge. Hence, the struggle for ethical decisions and behavior is a constant one, and the value of an ethics of the military is not in providing definitive answers. It relies on the ability of the professional agent to deserve trust through daily ethical behavior and decisions. Eventually, the value of an ethics of the military is not so much in providing answers through doctrine. Rather, it is in educating military professionals by? questioning, and on how the iterative process of constant questioning can help military personnel take right decisions adapted to a peculiar situation.

The strength of the trust between the military and the Nation requires a free and honest dialogue which can foster such ethical questioning and enable the best alignment of the military and civil society's values despite irreducible differences. When the military relied on a draft, draftees naturally infused the spirit of the nation within the

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armed forces. Private soldiers, at that time, remained mainly like civilians and brought with them the values and ideas of civil society. Conversely, the people were educated to military matters. This dynamic relationship, the constant flow of men and ideas, was the life-blood of civil-military relations. This fluid has partly disappeared with the professional armed forces, hence the alignment and understanding between the military and civil society has become more challenging. From this perspective, the army should consider the paradox of acknowledging a growing civil-military gap while educating officers in military schools and, in the case of the United States, living in separate communities.

Society's values, certainly, are written in the Constitution, but how society understands and weights these values evolve over time. Today, speech may remain as the only thing that easily materializes the link between the Nation and the armed forces. Therefore, this dialogue must be encouraged and military personnel must be educated on how to humbly participate in public debates in a way compatible with their status.

Certainly, law may prudently limit, or even deny, some particular rights to military personnel. But law, regulation or doctrine, in doing so, should be used with great parsimony and keeping in mind the potential risk that law could finally eliminate the right. Never shall it be the easy recourse for those willing to reduce the tumultuous minds of the city's guardian. Indeed, responsibility eventually rests in freedom. Ultimately, the soldier's freedom to engage in political debate is not to find its limit in law, active duty or retired position, or any other types of official or non-official regulations. For the spirit of freedom is what supports the spirit of responsibility. For engaging a strong strategic dialogue is ultimately the role of those leaders, either civilians or military, who are

carrying an actual responsibility on behalf of the people. This responsibility is political and it is individual. It relies on the agent's individual freedom, it demands the agent's will, and it requires the exercise of the agent's discretionary judgment. Then, it is somehow absurd to comment about the political content of a declaration before Congress that ought to be politically neutral. One should, instead, measure the responsibility of a declaration in its political significance. Therefore, if the military is to rely on an ethics of the profession, this ethics must give a central place to the soldier's political responsibility.

The higher the rank, the higher the responsibility. Officers, therefore, have a particular political role to assume because their responsibility towards the people is simply higher. This sheds a new light on the logic that must direct both the education and the promotion of our leaders and of our officers in particular. Moral courage and political conscience should then be among the essential criterion in the selection process of our civilian or military elite leaders.

In the United States, the development of a formal ethics of the military profession shows that a primary ingredient of a healthy and fruitful regulation of the soldier's commitment to politics is not external to the chain of command, but within the chain of command. For the best boundaries to freedom of action and ambitions are the ones that the citizen soldier imposes on himself as the mere continuation of his commitment and love for democracy. Therefore, we can say as Camus did, that democracy is actually the social and political exercise of modesty.

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